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THE DEVELOPMENT OF FREE SCHOOLS IN THE UNITED STATES

AS ILLUSTRATED BY
CONNECTICUT AND MICHIGAN

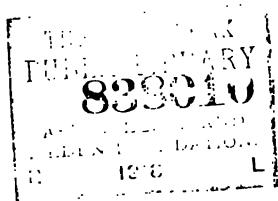
BY

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**DEDICATED
TO THE
FREE PUBLIC SCHOOLS
OF AMERICA**



INTRODUCTION

The typical public school of the United States is a free school. It is free in that it charges no tuition fees to resident pupils. However, it is a matter of common knowledge that in an earlier period tuition was one of the means of school support. This was certainly true of all states east of the Mississippi River, except Maine and Wisconsin, and actually if not legally may have been true of them also. A few states west of the Mississippi used tuition as a means of school support. Striking examples are Iowa, California, and Texas.

As one reviews the educational legislation of the different states, it becomes evident that in the period of 1840-1870 many laws were enacted having as their aim the attainment of schools free from tuition as a means of support. It is also evident that from an early period, children of the poor were not required to pay such fees. To make schools free meant to exempt all children from such charges, and to support the schools entirely by other means, largely by taxation upon property. Laws which aimed to secure this condition were enacted in certain states, as follows: Delaware, 1829; Pennsylvania, 1834, 1848, 1868; Louisiana, 1847; Indiana, 1852; Ohio, 1853; Texas, 1854; Iowa, 1858; West Virginia, 1863; Vermont, 1864; New York and California, 1867; Michigan, 1869; Connecticut, 1868-1870, and New Jersey, 1871. In some cases, the laws left the matter entirely to local option, as for example the law of 1834 in Pennsylvania. In others, no local choice was given. It is also probable that much of the earlier legislation of this type was largely unrealized in actual practice, but the later laws were backed by sufficient sentiment and finances to make the schools practically free.

This development of free schools in the last century consisted not only of changes in the schools themselves, but also of changes in public opinion about the function, the organization, and the administration of the public school. Since our schools depend upon public opinion, the investigation of this evolution to ascertain its causes, tendencies, and results, may help us to understand better the present problems of education in our democracy.

The task of studying intensively this movement in all states concerned is so enormous in extent that it was found impossible of accomplishment except by years of research and study. After a brief preliminary survey of the general movement, it was found desirable to select one or more states and study their history to ascertain how they illustrate this educational evolution. It was thought desirable, also, that the states selected should have a population very largely of the same origin; that at least one of the states should illustrate this development from colonial times; and that the vexing problems involved in religious and sectarian controversies about the public schools should not be present to such a degree as to unduly complicate and obscure the main issues. The two states of Connecticut and Michigan met these conditions, and they were selected for study.

Certain terms used in this study need definition. Tuition, rate-bill, pauper school and poor school, rate-bill school, rate, and free school, are terms which may be confused. Tuition meant the same as it does to-day, money paid by parents, or guardians, of pupils for schooling. Rate-bill was a term used somewhat carelessly, but usually meant a tuition bill with the added feature that if the parents of children were indigent, such parents would be exempted from payment of the tuition fees. This bill was levied upon and collected directly from individuals, but could be collected, if necessary, by seizure and sale of property. Like tuition, a rate-bill was usually charged in proportion to the number of children in attendance and the total number of days of school attended. Pauper school and poor school originally meant schools attended only by children of the poor. In time, these terms came to be applied to a public school using rate-bills as a means of support, if the attendance was composed largely of children unable to attend private schools. A rate-bill school was a public school using rate-bills as a means of support. A rate, in contrast with a rate-bill, was what we call a property tax. A free school was one supported entirely without tuition, or rate-bills. It might be public or private, and might be supported by an endowment, or by taxation and other means of public support. As used in this study, it means a public school supported entirely by taxation and other means of public maintenance.

The sources from which the material for this study has been

drawn are indicated in the Appendices. The chief sources are reports of the state departments of education, school laws, and educational journals. The writer is under obligation to Bryson Library of Teachers College, Hartford Public Library, Library of the University of Michigan, and the United States Bureau of Education for facilities furnished. His chief obligation is to Dr. Paul Monroe, who suggested the study and who has given much help in directing it.



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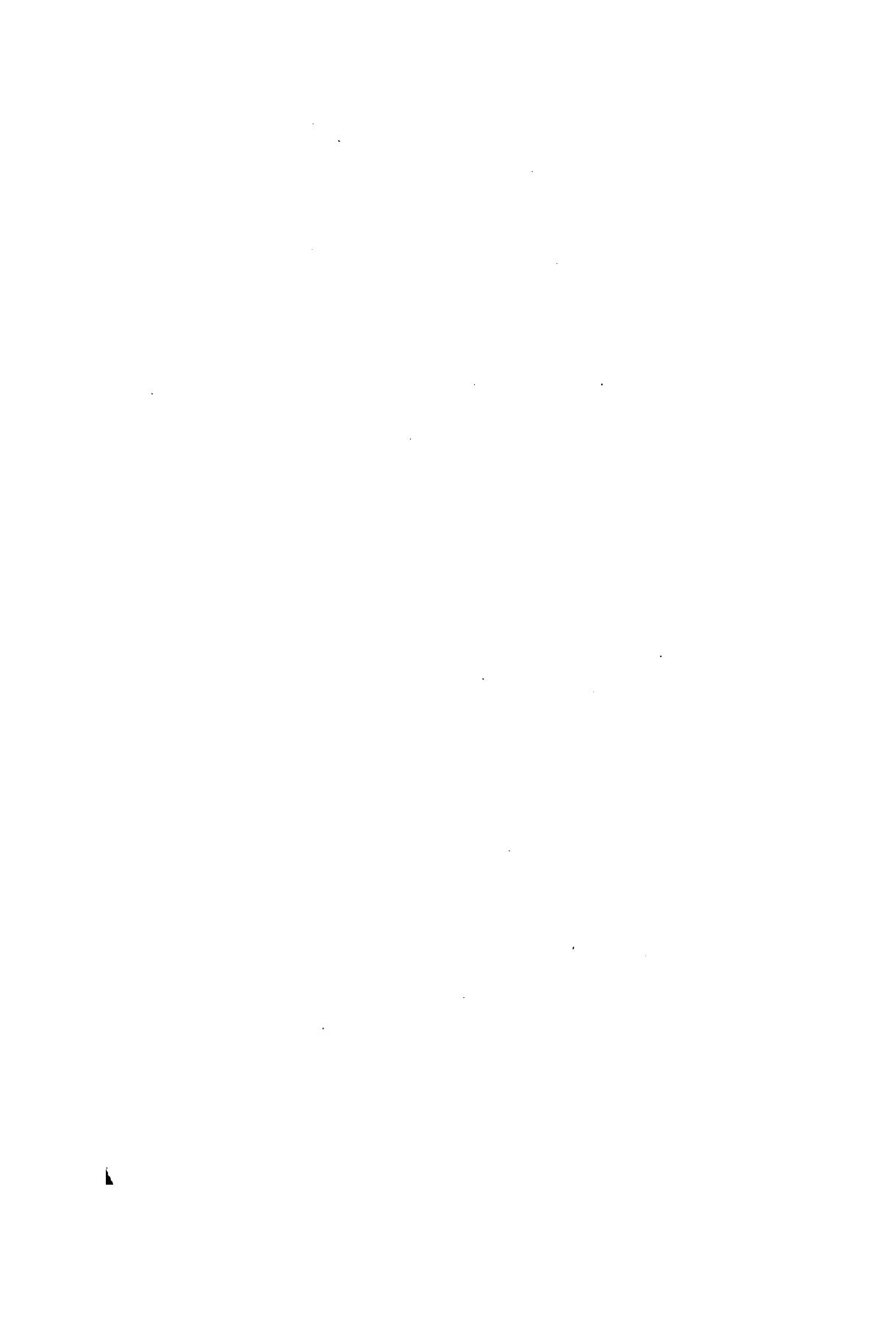
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PART I

CONNECTICUT

COLONIAL BEGINNINGS IN CONNECTICUT

The schools of Connecticut became free in the last half of the nineteenth century, but to understand the development of such schools it is helpful to consider some conditions of colonial education, and to trace the slow growth of the movement and related movements to the time of the enactment of the free school law of 1868. The colonial period, from 1634 to 1776, a period of one hundred and forty-two years, was a time in which European traditions were transplanted, and also gradually modified. Some very important social changes occurred in Connecticut during this period. The colonists of Connecticut came, for the most part, from Massachusetts and were very similar in character and antecedents to the people of that colony. At New Haven and Hartford, settlements were made which had separate governments, and between which a rivalry appeared. The two were united under a royal charter in 1665. The government was similar, in many respects, to that of Massachusetts. At first, the town was the unit of local government. The general control was exercised by the "General Court" and governor, under the charter and a rather peculiar constitution. The "General Court" was an elective body, based upon a limited suffrage, having a combination of legislative, executive, and judicial powers. Religiously, the Connecticut colonists were Puritans. The church and civil government were united in many ways. The early pursuits were, of necessity, hunting and agriculture, but soon a coastwise trade grew up, and primitive manufactures appeared. The times were not peaceful. Indian wars, and the European wars of parent nations brought to the settler of Connecticut a share of the common burdens of the period.

The educational conditions of the colonial period are interrelated with church, local and general government, and economic conditions. Many of the educational conditions are of slight

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importance to this study. Administrative conditions such as finance and control are very important. They will be considered in this chapter.

A very early record is that of the action of Hartford, 1643. This is an action of the town meeting. It records the employment of a Mr. Andrews to teach school, and provides that his income shall be sixteen pounds. This income is to come from tuition. The "townsmen" are authorized to pay the tuition of indigent children. In essentials, this is the type of support which later caused a school to be classed as a rate-bill school.¹ Five years later, the town took action "that forty pounds shall be paid in the way of a rate to the townsmen for the time being, for carrying on the said work"—said work being the keeping of a better school. (Barnard, Conn. Rept., 1853, 7) The action of the town of Weathersfield, taken March 12, 1658, provided that their teacher should receive twenty-five pounds, part of which was to be raised by tuition, and the balance by a rate levied upon the tax value of the town. (*Ibid.*, 7)

A short series of town actions show school support and administration in New Haven. December 25, 1641, "It is ordered that a free school be set up in this town, and our pastor, Mr. Davenport, together with the magistrates shall consider what yearly allowance is meet to be given out of the common stock of the town, and also what rules and orders are meet to be observed in and about the same." In 1644, the town ordered the establishment of a "free school" to train for "public service in church and in commonwealth," (Barnard, Conn. Rept., 1853, 10) These two records raise these queries: (1) Are two schools meant, or only one and the same school? (2) Did *free* mean what we mean by it to-day—was the school or were the schools really

¹ This very early record reads as follows: "That Mr. Andrews should teach the children in the school one year next ensuing from the 25th of March, 1643, and that he shall have for his pains sixteen pounds; and therefore the Townsmen shall go and inquire who will engage themselves to send their children; and all that do so, shall pay for one quarter, at the least, and for more if they do send them, after the proportion of twenty shillings the year, and if they go any weeks more than an even quarter, they shall pay six pence a week; and if any would send their children and are not able to pay for their teaching, they shall give notice of it to the Townsmen, and they shall pay it at the Town's charge; and Mr. Andrews shall keep the account between the children's schooling and himself, and send notice of the times of payments and demand it; and if his wages do not come, the Townsmen must collect and pay it; or if the engagements come not to sixteen pounds, then they shall pay what is wanting at the Town's charge." (Conn. Rept., 1853, 6) (Italics not in original.)

free? No definite answer has been found to either question. In 1652, the same town employed Mr. James to teach at an income of ten pounds from the treasury and the rest from the parents of the children. (*Ibid.*, II) In 1657, action of very great importance was taken by the court of New Haven colony. It ordered towns within its jurisdiction which had no teachers to forthwith secure a schoolmaster, and provided that one-third of the salary should be paid by a regular rate, and the balance by parents of the children.¹ These examples from New Haven reveal types of practices. In 1665, New Haven and Hartford colonies united, and the laws were the same for both. The Hartford code of 1650 became the general law of Connecticut colony.

The code of 1650 was the work of Roger Ludlow, an attorney, who had lived in England and Massachusetts and served as a justice in the colony.² Because of its origin, it is practically a duplicate of the Massachusetts law of 1647 with reference to schools, and the provisions referring to apprenticeship are copied largely from the Massachusetts law of 1642 and from English laws. The provisions relating to education are under the captions "Children" and "Schools." The selectmen were given the duty of enforcing this law, and could call to their help two magistrates. Boys and girls were made subject to a period of apprenticeship training, or required to be given an education "to fit them for higher employments." A general education was to be required of all. Every town of fifty families was required to employ a teacher of reading and writing, and when a town attained to the size of one hundred families, it must also "set up a grammar school" to fit young men for the university. Neglect to provide such facilities made the town liable to a fine

¹ At a court of elections held at New Haven, March 27, 1657, "It was propounded that the court would think of some way of further setting up of schools, for the education of the youth in each plantation, for though some do take care that way yet some others neglect it, which the court took into consideration, and seeing that Newhaven hath provided that a schoolmaster be maintayned at the townes charge, and Milford hath made provision in a comfortable way, they desire ye other townes should follow their example, and therefore did now order, that in every plantation where a school is not already set up and maintayned, forthwith endeavors shall be used that a schoolmaster be procured that may attend that work, and what sallary shall be allowed unto such schoolemaster for his paines, one third part shall be paid by the town in general as other rates, the good education of children being of publique concernment, and the other two-thirds by them who have the benefite thereof by ye teaching of their children:" (Rec. Col. New Haven, 220)

² He was sometimes referred to as Robt. Ludlowe.

of five pounds, "till they shall perform this order." School support was provided in the words "whose wages shall be paid, either by the parents or masters of such children, or by the inhabitants in general, by way of supply, as the major part of those who order the prudentials of the town, shall appoint." It is clear that tuition is meant in the first part of the sentence, but just what the other method was is not very clear. Were the selectmen those who "ordered the prudentials of the town"? Probably so. What was meant by "way of supply"? Was it not possible that these persons might "appoint" to collect more tuition, or levy a rate, or pay by an appropriation from the town treasury? Many features of this very important law remained in the school laws of Connecticut till the free school movement began in earnest.¹

In 1666, a year after the union of the two colonies, the whole colony was divided into four counties, viz., Hartford, New London, New Haven, and Fairfield. At a court of election held at Hartford, May 9, 1672, grants of land were made to Fairfield and New London for grammar schools. The grants were in each case six hundred acres, and were to be used "for the benefit of a grammar school in the sayd County Townes, and to no other use or end whatever." By a similar action, like grants were made to New Haven and Hartford for the same purposes. (Conn. Col. Rec., II: 176) In 1676—forty-two years after the beginning of the colony—the fine for not keeping a Latin grammar school was increased to ten pounds. The same year, the colony provided that maintenance of the schoolmaster should be by taxation—"by way of rate,"—but each town *might* agree to raise the salary by some other method. (Conn. Col. Rec., II: 312) Two years later it was provided that towns of *thirty* families "shall have and maintain a school to teach children to read and write." (*Ibid.*, III: 9)

In the county of Fairfield, a smaller community called Paquanake had grown up, and demanded a share of the school money of the town of Fairfield, of which it was an outlying community. The matter was taken to the General Court and Fairfield was authorized to divide its school money as desired by the citizens of Paquanake. In a quite true sense, this marks the beginning

¹ Conn. Col. Records, I: 520–521, 554–555. Dexter, History of Education in U. S., appendix. Seybolt, Apprenticeship in Colonial New England and New York.

of decentralization in school control from town to parish and district. (*Ibid.*, III: 8) In 1684, the General Court exempted from taxation all property used for the support of schools and the ministry. (*Ibid.*, III: 158)

In 1686, a new departure in school support appeared. The colony treasury contained a surplus. By court action, this surplus was to be distributed among the various communities for the assistance of grammar schools, or where there were none, to "other schools." (*Ibid.*, III: 225)

A rather comprehensive reorganization of the school laws was enacted in 1690. The preamble stated that there were "many persons unable to read the English tongue." Then it ordered that "all parents and masters shall cause their respective children and servants, as they are capable, to be taught to read distinctly the English tongue." To enforce this order, the grand jury was required to visit families suspected of evading the law, such visits to be made once a year, and evasions to be reported by the jury to the "next county court where the said masters or servants shall be fined 20 shillings for each child or servant." The wording seems a little ambiguous. Probably the fine was levied upon the master rather than upon the servant, if by servant is meant the equivalent of apprentice. The unique part of the law referred to the maintenance of two *free* schools, one at Hartford, and one at New Haven. The masters were to be chosen by the magistrates and ministers of the two counties, and given an annual salary of sixty pounds. The sixty pounds were to come from three sources: (1) thirty pounds from the county treasury; (2) part of the balance, or all, from gifts or bequests; (3) any remaining balance to be paid by the towns. No mention is made of tuition, or anything that could reasonably be interpreted to be tuition.¹

¹ "This Court considering the necessity and great advantage of good literature, doe order and appoint that there shall be two free schooles kept and mayntayned in this Colony, for the teaching of such children as shall come there, after they can first read the psalter, to teach such reading, writeing, arithmeticke, the Lattin and Greek tongues, the one at Hartford, the other at New Haven the masters whereof shall be chosen by the magistrates and ministers of the said county, and shall be inspected and again displaced by them if they see cause, and that each of the said masters shall have annually for the same the sum of sixty pounds in the county pay, thirty pounds of it to be paid out of the county treasury, the other thirty to be paid in the school revenue by perticular persons, or to be given to that use, so far as it will extend, and the rest to be payd by the respective townes of Hartford and New Haven." (Conn. Col. Rec., IV: 30-31)

At the time of the enactment of this early free school law, towns were given permission to keep "the townes schooles in the several townes, as distinct from the free school," six months in each year. (*Conn. Col. Rec.*, IV: 30-31) In May, 1691, one John Burr tried to get the court to extend the free school order to the other two county towns, but failed. However, two years later, the court did extend the order, but gave each twenty pounds instead of thirty pounds. (*Ibid.*, IV: 50, 97)

In October, 1700, a new law was enacted. The four county towns were required to maintain grammar schools, towns of seventy families, a reading and writing school "constantly—from year to year," and towns having less than seventy families, to keep such a school one-half year. The law established a colony rate (tax) of forty shillings upon the thousand pounds valuation to help support these schools. In towns where this would be insufficient, the support was to be increased by income from bequests, if any had been made for school support, "and for want thereof, the one half to be paid by the town and the other by the children that goe to school unlesse any town agree otherwise." (*Ibid.*, IV: 330-332) The two types of school support mentioned, state tax and tuition, were destined to play important rôles in the later educational history of the state. In May, 1702, this law was slightly strengthened to insure collection and use of the forty-shilling tax. By 1711, it was evident that it was no easy task to collect this tax. That year, it was distributed to the towns in "bills of credit, two-thirds that sum in money." (*Ibid.*, V: 214) Next year, it was ordered that this money be distributed to parishes where such existed. In 1754, after fifty-four years, due to war expenditures, this tax was reduced to ten shillings. In 1766, it was raised to twenty shillings, and a year later restored to forty. In 1700, the tax valuation of the colony was 395,000 pounds. A forty-shilling tax would produce 790 pounds, but 800 is probably a fair estimate of the actual income. This money was re-distributed to each community in the same proportion as it had been collected.

Reference has been made to the gradual division of the towns into parishes. In 1717, "every society or parish" was obliged to keep a school, and given power to levy taxes for schools. (*Ibid.*, VI: 10) During the first half of the eighteenth century, the growth of parishes, or ecclesiastical societies, and the increase

of powers granted to these local units, were both very rapid. Much legislation from 1700 to 1725 concerns this change. In 1723, the colony treasurer was ordered to distribute the colony school money to the parishes. (*Ibid.*, I: 400) Neck and Nahantic societies of New London asked for full control of their schools, and their petition was granted. The West School Society of New London was divided into two distinct school societies in 1743. In 1766, power was given to each society and town "to divide themselves into proper and necessary districts for keeping their schools, and to alter and regulate the same from time to time." (Clews, 105, 108, 109)

Several bequests for school support were made. An early example was the bequest of Robert Bartlett to the town of New London. (Conn. Col. Rec., V: 378) The bequest of Edward Hopkins is the most important example. Hopkins, at one time governor of the colony, left a portion of his estate in the hands of certain trustees "for the breeding up of hopeful youths both at the grammar school and the college." Considerable difficulty was encountered in administering this part of the Hopkins will, but finally the portion left for the aforesaid purpose was divided among Hartford, New Haven, Hadley (Massachusetts), and Harvard College. Grammar schools developed from the endowment for the first three named places. Barnard said that "these schools under many forms of administration have always been maintained—much of the time as free, and always as public schools." (Conn. Rept., 1853, 16) In 1738, a bequest of lands was left to Middletown for educational purposes. (Clews, 104) In 1743, twenty-five acres of land escheating to the colony by the death of one intestate were given for the use of a school in the parish of Wintonbury. (Clews, 108)

Another development of school support occurred in 1733–1741. A legislative committee had been considering what should be done with lands in the western part of the colony, which were claimed by other sections of the colony. In 1733, this committee recommended that the lands in seven new townships be sold, and that the proceeds be set aside forever for the support of the schools and the ministry. In the course of time, the lands were sold, and the proceeds divided among the school societies and towns, to be used for schools. Societies were to be held accountable for this money by the towns, and the towns by the General

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Court. In 1761, the proceeds from the sales of lands in Norfolk township were used similarly. (Clews, 104f.)

School support in colonial Connecticut was of many kinds. Following is a list of combinations of types of school support shown in previous pages, the year indicating the time of record:

1. Tuition paid by parents, that for indigents paid by town.
(1643)
2. Tuition, rate (tax), and use of house and land. (1653)
3. Appropriation from town treasury. (1641)
4. Voluntary contributions. (1644)
5. Tuition and appropriation from town treasury. (1652)
6. Town rate (tax) and tuition. (1657)
7. Tuition, or as the townsmen might choose to provide. (1650)
8. Land grants. (1672)
9. Rate, or as town might choose to provide. (1767)
10. Distribution of surplus from colony treasury. (1686)
11. Colony grants of money, private gifts, and rate (tax).
(1690)
12. Colony tax, private gifts, town appropriation, and tuition.
(1700)
13. Bequests.
14. Money from sale of public lands. (1741)

Tuition, local rate (tax), and colony tax were the most common types of school support. Taxation for schools was at first a local matter. In 1666, the colony made land grants for schools, and in 1700 established the forty-shilling school tax for the whole colony. Evidence shows that it was a common practice to exempt children of indigent parents from payment of tuition charges, and that such tuition was actually paid from the town treasury. New Haven (1643) is a very early example. Some schools seem to have been entirely free.

The administration of education in Connecticut, from 1634 to 1776, centers about four units of control. First, the town had control of education. Second, as the General Court came into existence, it assumed a general control over education. This is well shown by the code of 1650 and its later amendments. Third, there appeared a unit known as the society, first as the ecclesiastical society, and later simply school society. It might be co-extensive with a town, it might be a part of a town, or it

might include parts of two or more towns. The district was the smallest local unit of school control. The district and society were together recognized by law of, 1766 authorizing societies to divide themselves into districts. Essentially, the change in control of education was from town and colony to district and colony, or, as we would say, it was decentralization. A similar change occurred in church government. (Conn. Col. Rec., I: 3; VII: 107; VIII: 522; XI: 54; XII-XIII)

The administrative agencies concerned with education were the General Court, the town meeting, the selectmen, the local ministers, constables and collectors. As societies and districts developed, society and district committees appeared to administer the schools. The General Court and town meeting legislated about education. The selectmen and other local officials exercised functions more administrative, and less legislative. Employing teachers, determining location of schools, salary, collecting school money and expending it, are typical functions of the local officials.

The types of school support and the modes of administering them, the movement to decentralization, methods of administration of schools, and types of officials are of importance in the consideration of the educational changes of the following period when schools became actually free.

All of the machinery of administering education depended upon another factor which must be mentioned. This was the belief that all persons should have an elementary education of some sort, and be trained to some vocation. If the person were from the poor, a manual vocation was demanded, while the well-to-do deemed the ministry, or teaching, or business as the proper vocations for their children. This belief in the need of an elementary education was based partly upon religious reasons dating from the Protestant Revolution. Lastly, as a result of this belief, there was a continual insistence that schools should be provided in each and every community in the colony. The code of 1650 makes this very explicit. It also appears in the colony laws of 1676, 1678, 1690, 1700, 1712, 1714, 1715, 1717, and 1750. The belief in the universal need of an elementary education, and the demand that school facilities should be supplied are basic to the free school of to-day.

GENERAL SOCIAL CHANGES FROM COLONIAL PERIOD TO 1870

From 1776 to 1787, Connecticut was concerned with the war with England, and the establishment of stable government in the state and nation. Connecticut seems to have been very loyal to the colonists' cause in the Revolution. Two raids by British armies caused sections of the state much suffering. Under the Articles of Confederation, the state was burdened with import duties levied by other states on Connecticut products, had its share of trouble with a depreciated currency, and soon saw the necessity of a real national government. The delegates from Connecticut played a very important rôle in the Constitutional Convention in the compromise about representation in the national congress. During the War of 1812, the attitude of the state brought it only ill-repute, but the part played during the Civil War atoned for past mistakes.

From 1800 to 1870, changes came more rapidly. Intellectually, some advancement was made. A few leaders appeared, usually teachers, or college administrators. Publications increased. As early as 1850, there were forty-six periodicals of all sorts. (U. S. Census, 1850) In matters of religion, the division into sects begun in an earlier period continued, and some of the original denominations made great increases. The number of churches for the different sects, as shown by the census of 1850, was as follows: Baptists, 114; Congregational, 252; Episcopal, 101; Presbyterian, 17; Catholic, 12; Unitarian, 5; Quakers, 5; Christian, 4; Union, 4; miscellaneous, 3. This division of creeds made it quite impossible for an agreement upon an apportionment of school funds for religious teaching, or upon giving religious instruction in public schools. Slavery had practically disappeared by 1840. (See Appendix, Table I) The attempt of Miss Crandall to establish a school for negroes in Connecticut, her consequent ostracism and persecution, show that plenty of anti-negro sentiment yet existed. (See Johnston, *Connecticut*) In 1850, 90 per cent. of the state's population had been born in that state. This helped to perpetuate many of the old traditions, foibles,

and peculiarities. By 1870, illiteracy centered in the foreign element of the population. The percentage of children of school age was gradually decreasing, showing that the average size of the family was also decreasing. (Table I, Appendix) During this period, the industries shifted from a dominance in agricultural to a dominance in manufacturing. (*Ibid.*) This increased the problems of child labor, truancy, and woman labor, and caused a continuous growth of cities. In thirty years (1840-1870), the total population increased 73 per cent. This produced a demand for school facilities which the income from the School Fund and the Town Deposit Fund could not supply.

SOME LEGISLATIVE AND ADMINISTRATIVE CHANGES IN EDUCATION, 1787-1870

In evolving a school supported without use of rate-bills, the financial and administrative conditions of education assumed great importance. This being so, the general, legislative and administrative conditions will be described, and then the financial growth will be outlined.

Before 1800, several changes were made which should be noted. The first was the school law of 1784. By this the "Act for the Education and Governing of Children remains the same as in the revision of 1702; and the Act for the Appointing, Encouraging, and Supporting of Schools embodies the various provisions which have been enacted since the revision of 1750." County towns were each to have a grammar school. Towns and societies of seventy families were each to have a reading and writing school. The forty-shilling tax upon the thousand pounds valuation was retained. Inspection of schools was intrusted to the civil authority and to the selectmen. The selectmen, or a special committee, had the duty of financial management of the schools.

The movement toward decentralization of control continued. In May, 1794, school districts were authorized to tax themselves for the construction of schoolhouses, with the sanction of two-thirds of the voters. (Laws of Conn., 1796, 375) In 1795, a law referred to societies as "school societies." In May, 1798, these school societies were granted powers which enabled them to organize as school districts. As Barnard said, by this law the society and district entirely supplanted the town as units of local school control. (Conn. Rept., 1853, 110-111) The society was sometimes co-extensive with the town, but more often it was not. Having its origin in the earlier church government, it now became a hybrid—ecclesiastical and civil. The general law was reenacted in 1799, and gives in lengthy detail the powers and duties of societies as school units. It continually refers to them as school societies. The powers included were as follows: Hold society meetings, levy school taxes, divide society into school districts, see that each school is supplied with a teacher, appoint

school committee and school visitors, establish schools of a "higher order" than elementary schools, receive and expend state school tax, erect schoolhouses, collect and administer other types of school support. (Barnard, *Am. Jour. of Education*, V: 116-119. Conn. Rept., 1853, 142-145) A provision enacted in 1801 states that whenever the aggregate "expense of paying and boarding instructors in schools in any society . . . shall equal or exceed the school monies of the society, provided by the State for the same year, such school society shall be considered as having fully accounted for such monies, although any one or more of the districts in such school society shall not have kept a school within the year" . . . "and to draw such school society's money for the next year following." (Laws of 1808, 587) In fewer words, this was equivalent to saying that if a society expended the state school money that was all that was required; it would not be of great moment if schools were not maintained. This was an extreme form of decentralization.

Districts continued to secure additional powers. In the law of 1799, the districts were given power to levy taxes for erection of schoolhouses. (Conn. Rept., 1853, 145) In the statutes of Connecticut for 1835, the powers of districts are enumerated and are very similar to those of societies in the law of 1801. In 1839, the district was made a body corporate, and some other powers added to those listed in the law of 1835. (Laws, 1835, 460-467. Laws, 1839, 304) By 1801, the society had become one of the local units of school control, and by this law of 1839, the small district became the unit of school administration. In 1845, there were about 1,600 districts, covering 4,900 square miles, or the average size of a district was *three* square miles. This unit was very small in area, but had powers that overlapped those of the society. The town had very little power over schools. By the school laws in force in 1853, the district still retained the same powers. That year there were 1,642 districts. (Conn. Rept., 1853, Appendix, 8-11, 49)

In 1853, there were 217 school societies. Thirty-one of these had boundaries co-extensive with the towns in which they were situated, 131 included but parts of the towns in which they were located, and 55 included two or more towns. The law of 1853 defines the school society as follows:

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"Every school society, established as such by the general assembly, and the inhabitants living within the limits of any ecclesiastical society, incorporated with local limits, or such proportions of the same as have not been specially incorporated, shall constitute a school society, and as such shall be a body corporate. . . . "

There were 148 towns in Connecticut in 1853. Their educational functions were restricted to those described under "An Act concerning Domestic Relations" which placed incorrigible children, and matters of regulation of child labor, in the control of the town. Selectmen had power to place such children out as apprentices.

This peculiar arrangement of local units of school control continued until 1856 when school societies were abolished, and their functions given over to towns and districts in towns. Union school districts were exempted from town control. In 1856, there were 153 towns, 222 societies, and 1,626 districts. Thus the law abolishing societies was one of simplification, and as far as the powers were returned to the towns, one of centralization. In fact, most of the powers of school administration were left in the districts, but they now became districts in towns instead of districts in societies. In 1867, a consolidation law for towns was enacted which read as follows:

"Every town in this State may at any annual meeting, assume and henceforth maintain control of the common schools within its limits . . . ; and for this purpose every town shall constitute a Union school district, having all the powers and duties of a school district as now constituted by law . . . "

This provided a way for the gradual elimination of small districts, but it had little influence. Actual administration of schools by the towns did not begin again until the decade of 1890-1900. (See Willson, *Town Management of Schools in Connecticut*)

Reference has been made to union school districts. They had their origin in urban localities and manufacturing centers which demanded more and more local self-government. At first, special laws granted these communities powers of municipalities. Then general laws met their demands. They also demanded more control over their schools. In 1839, Hartford, New Haven, and Norwich, actuated by mechanics associations, petitioned that power be granted the districts to tax themselves, and it was allowed to these three communities. (Brown, *Middle Schools*, 315) In 1841, a general law provided that "two or more adjoining dis-

tricts might associate together and form a union district with power to maintain a union school, to be kept for the benefit of the older and more advanced children in such district." (Conn. Rept., 1872, III) The law abolishing societies exempted such districts. The same privilege was extended to towns by the law of 1867, described above. By 1870, local school control was exercised by towns, districts, and union districts.

Thus far, changes have been noted in local educational administration. Some should be considered that refer to state administration. In 1784, the state was levying a tax of forty shillings on the thousand pounds, for schools. This was distributed to schools through towns and societies, and later through districts and societies, and finally through districts. The state also demanded that all towns and societies of seventy families maintain reading and writing schools. The state retained the general law regulating apprenticeship and control of the poor.

Growing out of the sale of the lands in the Western Reserve, the School Fund was established in 1795, the first of its kind in the United States, and one destined to have much influence in the educational development of Connecticut. The state tax continued until 1821, when it was abolished, and the income from the fund was supposed to take its place. When the United States distributed the surplus revenue in 1836-1837, Connecticut placed its share in the hands of the towns, and required that a part of the income, later all of the income, should be used for school support.

In 1837, the state began for the first time to require school visitors to make annual reports to the society committee about the conditions of the schools. About the same time, the legislature made an investigation of the schools, which revealed many of their weaknesses. In 1838, the Board of Commissioners of Common Schools was created, largely as the result of the investigation and the work of Henry Barnard. This board was composed of the governor, commissioner of the school fund, and eight other persons appointed annually by the governor, one from each county. The board was authorized to employ a secretary at a salary of three dollars per day who should be the executive officer of the board, and who should spend most of his time arousing the people to the needs of the schools and advising localities as to changes needed in their schools. For the first time

societies were required to make an annual report to the state of the condition of the schools, the reports being made to the new board. Henry Barnard was chosen as the first secretary of the board.

Under this law, Barnard began his career as an educational official in Connecticut. In spite of a great tendency to indifference and conservatism, he secured the passage of a law to better schools. His activity and the changes proposed seemed too radical, and in 1842 the board and the office of secretary were abolished. No official was provided to take over these duties until 1845, when a new law made the School Fund commissioner ex-officio superintendent of common schools. Accordingly, Seth P. Beers began to give some attention to the work begun by Barnard. (Conn. Rept., 1846, 13, 16; 1872, III) In 1848, the legislature directed the superintendent "to employ suitable persons to hold, at not more than sixteen convenient places in the different counties of the State, . . . schools for teachers not exceeding one week each . . ." (Conn. Rept., 1849, 30) In June, 1849, a new law created the combination office of principal of the normal school and superintendent of common schools. (*Ibid.*, 1850, 83) Henry Barnard was elected to this position. The report issued by Barnard in 1851 reveals a very comprehensive plan for educational betterment. On January 1, 1855, Barnard resigned and was succeeded by John D. Philbrick. Philbrick took an active part in the movement for improvement, but left the work January 6, 1857, and was followed by David N. Camp who held the office until 1865. During the administration of Philbrick, some of the improvements previously advocated were enacted into law by the inclusive school code of 1856. Camp was active and earnest in the work of the office. In July, 1865, the legislature created a state board of education composed of the governor, lieutenant-governor, and four other persons to be selected by the legislature, one from each congressional district in the state. This new board of education had all the powers of the old board of commissioners of common schools and some in addition. It was authorized to employ a secretary whose duties should be the same as those of the superintendent of common schools. (Conn. Rept., 1866-1867, 153-154) At the first meeting of the board the combination office of principal of the normal school and superintendent was divided.

Mr. Camp was made principal and Daniel C. Gilman, secretary. Though Mr. Gilman held this office but one year, his report and his work were of considerable value to the state. In January, 1867, he was followed by the Rev. Birdsley Grant Northrop, who continued in office until 1883, and who was the successful leader of the campaign to abolish rate-bills.

While Philbrick was superintendent he employed three persons to travel throughout the state and lecture and advise on educational questions. Reaching almost every society in the state, their work had considerable influence.

The state managed the School Fund as follows: (1) it was under the care of the original legislative committee that negotiated the sale of the lands of the Western Reserve; (2) in 1800, a board of four managers was created for this purpose; (3) due to some evidences of inefficient management, the entire control of the School Fund was placed in the hands of a commissioner of the School Fund in 1810. This office continued during the entire period in consideration. Part of the time, an assistant commissioner helped with the work. Under this type of management, Mr. Hillhouse, the first commissioner, converted the fund into a growing, productive source of school support.

Some occasional laws referring to Yale College and those about the State Normal School complete the most important changes in the state educational administration during the years 1800-1870. Until 1865-1870, the state had assumed but very slight control over education. Penalties could be imposed for non-performance of duty by local officers, but records of such punishment are rare. Local control granted by state laws was predominant.

FINANCIAL CONDITIONS CONCERNED WITH EDUCATION, 1780-1870

The support of public schools during this period was derived from the following sources: (1) the State School Fund; (2) the Town Deposit Fund; (3) local funds; (4) the town tax; (5) taxation by societies; (6) district taxation; (7) tuition and rate-bills; (8) various minor and relatively unimportant sources. At the beginning of this period the state levied a tax of forty shillings on the thousand pounds valuation for school support. Some communities had local funds, the income of which helped in school maintenance. Towns and societies could levy school taxes. By 1794, the school district began to secure taxing powers. The partial support of schools by tuition charges was more or less a matter of custom.

THE STATE SCHOOL FUND

The most important financial change, immediately following the Revolution, was the establishment of the School Fund, the first of its kind in the United States. Under charter grants, Connecticut claimed land that was included within the present boundaries of other states. When the original states ceded their claims to western lands to the United States government, Connecticut did likewise but made a reservation of land in what is now northeastern Ohio. About 500,000 acres of this land were given by Connecticut to citizens of the state who suffered from British raids during the Revolution. The remainder, about 3,300,000 acres, was sold to fifty persons for sums varying from \$1,683 to \$168,185, the total amounting to \$1,200,000.

It was first proposed to use this money to form a permanent endowment for the support of the clergy; later, to support the clergy and the schools. The legislative and public discussions about the disposal of this money revealed a very strong tendency against the use of public funds to support the ministry. By act of the May session, 1795, this sum was set aside "and the interest arising therefrom shall be, and hereby is appropriated to the support of schools. . . ." It was further provided that

if a society by a two-thirds vote of its members asked to use the money for support of the church, the legislature had power to grant the petition of such society. The distribution of the interest was to be to the societies "in their capacity of school societies, according to the list of polls and rateable estate of such societies respectively," that is, upon a tax valuation basis. (Barnard, *Am. Jour. Education*, 6: 367. Also Conn. Rept., 1853, 55-109)

The following changes were made in 1799: (1) The school committee of each society was required to certify to the state that they had maintained schools according to the law and that the "monies drawn from the public treasury by said society for said year, appropriated to schooling, have been faithfully applied and expended in paying and boarding instructors"; (2) in case of misuse of this money, the state controller was required to recover the money by suit at law; (3) a penalty of sixty dollars could be levied on any society that issued a false certificate of legal school conditions; (4) societies could establish "schools of higher order" (Latin grammar schools) and could use this money to help support them.

The interest accumulated until March, 1799, when the first dividend of \$60,403.78 was distributed to the school societies. In March, 1800, the dividend was \$23,651. The total population of the state was 251,002, and if 20 per cent. were of school age, the money would have equalled about one dollar per child. A school of thirty children would have received thirty dollars from this income and money from the state tax. Together, these sums would maintain a school several months, without taxes or tuition, if wages were as low as when we first get records of them.

The general plans of managing the State School Fund have been described. Before Mr. Hillhouse became commissioner of the School Fund, in 1810, a total of \$456,757.44, or an average of \$35,135.18 per annum, had been distributed among the school societies. During the fifteen years of the administration of Mr. Hillhouse, the annual dividend averaged \$52,061.35, and the capital was augmented to \$1,719,434.24. The loans of the capital were placed upon a safe basis, and many loans of questionable nature made before his term began were converted into sound investments. (*Am. Jour. Education*, 6: 325-366; 421-242. Also, Conn. Rept., 1853, 146) In 1810 the total population was 262,042, and in 1820 the school population was 30.59 per cent. of

the total population. (Table I, Appendix) If the school population consisted of but 20 per cent. of the total population in 1810, there would have been 52,408 children of school age. Again, the pro rata amount per child would have been about the same as in 1800, and this income with the state school tax would make practically unnecessary any local school tax. Yet it is possible that these two sources were insufficient to maintain schools, for we know that a law enacted in 1810 provided that a district might use tuition to help support a school, if found necessary after expending the income from the two sources mentioned. (Conn. Rept., 1853, 147)

The constitution adopted by Connecticut in 1818 includes a provision about the School Fund, a portion of which is given:

“The fund, called the School Fund, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public or common schools throughout the State, and for the equal benefit of all people thereof. . . . and no law shall ever be made authorizing said fund to be diverted to any other use than the encouragement and support of common schools, among the several school societies, as justice and equity shall require.” (*Ibid.*, 147)

The wording “and for the equal benefit of the people thereof” reveals the original conception of the use of such funds. They were not to equalize burdens, and thereby equalize opportunities. But the words “as justice and equity shall require” gave a chance for a better interpretation. Cubberley would have the income from such a fund so distributed that it would “tend to best equalize the burdens and the advantages of education throughout the State.” (*State and County Education Reorganization*, 9) Comparing this statement with the wording “as justice and equity shall require,” it seems that the aims of the two are identical. It would seem, then, that as early as 1818, Connecticut had a constitutional basis for the establishment of the very best mode of distribution of its School Fund income.

A rough estimate shows that the income from the School Fund, together with the state tax, made unnecessary much taxation for schools in districts. The people and the legislature evidently felt that the fund alone was enough, for by a law of 1820 it was provided that as soon as the income from the fund reached \$62,000 per year, the state tax for schools should be discontinued. The income reached the amount named in 1821, and that year the

state tax for schools, in existence since colonial times, was discontinued. In 1820, the school population was 30.59 per cent. of the total population, or 84,184. (Table I, Appendix) Thus the income from the fund would amount to about seventy-five cents per child. Many children of school age were not attending school. In a district enumerating forty children of school age, an income of thirty dollars would be received from the fund. It would be possible, under such conditions, to employ a teacher for three or four months. A writer in the *North American Review* is quoted by Barnard to the effect that "the public money affords the requisite aliment," and no obligation rested upon districts or societies to increase school support. (Conn. Rept., 1853, 149) In 1828, Governor Tomlinson said that there was "too much reason to conclude that the liberal endowment of common schools" had caused a relaxation in efforts to keep the schools in good condition. (Conn. Rept., 1853, 154) A legislative committee of the same year stated that they were "fully aware that the strong reliance upon annual aid derived from the School Fund" was accompanied by lack of exertion in school districts and societies. (*Ibid.*, 155)

About 1828-1830, there began to be some evidences in Connecticut of that movement known as the "Educational Revival." Some statements of persons connected with this movement are of significance. The Hon. Roger M. Sherman, writing in 1828 to the members of a New Jersey voluntary association for the improvement of schools, declared that the School Fund income should be distributed to such communities *as raise a like amount of money for schools.*¹ This is one of the first public expressions of sound principles of apportionment of state school support in Connecticut. The president of Brown University and the chair-

¹ "Requiring of the recipients of the public bounty nothing more than it be expended according to the provisions of the law, is an obvious defect in the system. . . . A sum proportioned to the amount received from the State, ought to be advanced for the same objects, by all to whom it is distributed excepting the indigent. A public fund for the instruction of youth in common schools, is of no comparative worth as a means of relieving want. A higher value would consist in its being made *an instrument for exciting general exertion*, for the attainment of that important end. In proportion as it excites and fosters a salutary zeal, it is a public blessing. It may have on any other principle of application, a contrary tendency, and become worse than useless. They would willingly pay seventy thousand dollars more, if made a condition of receiving the State bounty, and thus the amount would be doubled, for an object in which they would feel they had some concern." (Conn. Rept., 1853, 155-156)

man of the association just referred to both declared that the administration of the income of the Connecticut fund had produced injury to the school system. From New York, Massachusetts, and Kentucky came expressions of similar nature. (*Ibid.*, 156-160) Sherman's suggestion included the idea of support by tuition and rate-bills.

At a convention of teachers and others interested in education, held at Hartford in November, 1830, the president of Amherst College declared that the schools had declined because many communities had placed entire dependence upon the School Fund income for school support, and suggested a plan similar to that described by Sherman.¹ The next year, the governor urged an investigation of the effects of the School Fund, and recommended a district tax of one cent on the dollar. (*Ibid.*, 163)

Thus far, the history of the fund seems to show that it actually weakened school support and fostered a lack of interest in schools. The method of distributing this income may show causes for such influence. When first established, the income was apportioned upon the tax valuation basis. Later, it was changed to the school enumeration basis, the ages included being four to sixteen years. Until 1856, this money was paid over to societies upon receipt from the societies of certificates to the effect that they had maintained schools for at least four months in the year, that only legally certified teachers had been employed, that schools had been visited (inspected) according to law, and that all money from the state treasury had been used in payment of teachers' salaries. Penalty for non-compliance was the forfeiture of School Fund income. False certification of legal school conditions incurred a liability previously mentioned. (*Ibid.*, Appendix, II: 13) When a society received this money, it might use a different mode of apportioning it to the districts, but it could not legally grant any of the money to a district having less than twelve children of school age, or to a district that had failed to maintain legal school conditions. Such money might be appor-

¹ "Let your enlightened Legislature, after the example of the State of New York, pass a law, requiring every town to raise a sum for the support of common schools, equal at least to what it draws from the public treasury. Such a law, I have no doubt, would work wonders. It would wake up an interest which is now unfelt. It would make parents everywhere feel that they have something to do. It would enable districts to offer liberal wages, and to continue their respective schools much longer than is now necessary. In this way the public funds might become a great public blessing." (Conn. Rept., 1855, 161-163)

tioned upon the enumeration basis, or upon the "number of persons who shall have attended the common school, or schools in said district during the year preceding." As worded, this latter mode was really but little more than an enumeration basis. Each district was to receive at least thirty-five dollars. (*Ibid.*, 13) In 1852, the state also took into consideration this minimum grant of thirty-five dollars in making its apportionment to the societies. Two dividends had been made each year, but beginning with 1852 one was made. In actual practice societies distributed the money upon the enumeration basis, but in 1854, the society of Thompson apportioned "according to the actual attendance . . . with the most satisfactory results." In 1855, the superintendent strongly recommended the average attendance basis. (*Ibid.*, 1855, 22) The actual effect of the minimum grant of thirty-five dollars per district was to encourage the erection of small districts when a faction in a society became dissatisfied with school conditions. (*Ibid.*, 1855, 24) In 1855, there were forty-five districts having less than twelve children of school age, and in spite of this they received School Fund money upon the enumeration basis. A year later the limitation concerning twelve children was abolished, and all districts were to receive at least thirty-five dollars. (Conn. Rept., 1860, 34-37) With the abolition of the societies in 1856, the apportionment of this money to the districts reverted to the towns, but they could do no better than the societies. In 1868, the secretary showed that districts could not longer depend upon the fund as the sole source of school support, because "as the number of children increases, the amount per child constantly diminishes." (Rept., 152)

During this period the commissioners of the School Fund suggested almost every possible single basis for distribution of the money. None, however, devised or suggested a combination basis, although for a part of the period the state was actually using a sort of combination basis upon which it distributed the school money. The record of the investment of the fund shows an astonishing care for the fund and most successful management in that respect. But as an agency to improve schools, it failed almost entirely for a part of the period, and for the balance it did not have the stimulating influence that it was possible for it to have. It is very probable that it served to keep schools of some

sort in session for a required number of months, and that to some degree it secured better qualified teachers. But little evidence exists to show such results, and record of continual complaint of the evil effect of the fund does exist. (See Appendix for statistical record of fund)

THE TOWN DEPOSIT FUND

The School Fund was created in 1795-1796. The Town Deposit Fund had its beginning in 1836. The Congress of the United States, in 1835-1836, considered the finances of the country in a flourishing condition. The national debt had been paid and the treasury contained a surplus. On June 23, 1836, Congress enacted a law whereby all the money in the United States Treasury, except a reserve of \$5,000,000, was to be deposited on the first day of January, 1837, with the several states in proportion to the combined number of senators and representatives in any state. There were 52 senators and 242 representatives in Congress. Connecticut was represented by eight men in this group and hence would have received eight two-hundred-ninety-fourths of the total amount deposited. The total of this would have been a little over a million dollars. The distribution was to be made in four installments—on the first days of January, April, July, and October, 1837; but after three had been made, the panic of 1837 caused Congress to withhold payment of the last share until 1839. In fact it has never been paid. By this distribution Connecticut received \$764,670.60. The money could be legally recalled by the United States government. The state legislature, in December, 1836, enacted the following law concerning the use of this money:

“The money which shall thus be received from the United States, . . . shall be deposited with the several towns in this State, in proportion to their respective populations, as ascertained by the last census (1830), . . . and shall be repaid into the State treasury whenever payment thereof shall be required by an act of the General Assembly, or by proclamation of the person administering the office of Governor, for the purpose of being paid into the treasury of the United States.”

The towns were required to meet other conditions in order to receive this money:

“First, that such town keep and preserve the money as a deposit, and in trust for the State. Secondly, that it appropriate at least one-half of the entire income or interest thereof, annually for the promotion of education in

the common schools in such town, . . . and the remainder for the purpose of defraying the ordinary expenses of such town. Thirdly, that it make good each and every deficiency in the amount received, should any loss occur through mismanagement or other cause. Fourthly, that it repay into the State treasury the whole amount received therefrom of said money, or such part thereof as may be required, whenever the same shall be called for in the manner specified in this Act."

Nineteen years later (1855), this law was modified so as to require that the *entire* income be expended for public schools.¹

By the act of 1836, the *selectmen* could borrow the money at a very nominal rate of interest, and they made use of their chance. In some cases, the rate was but one per cent. Such conditions existed with legal sanction for twenty-nine years. Finally, in 1859, to stop such outrages against the school children of the state, the legislature enacted a law which made the following requirements: (1) the towns might prescribe terms of loans from this fund, except that the rate of interest must not be less than six per cent.; (2) towns which had previously loaned this money at less than six per cent. were required to re-loan it at the legal rate prescribed; (3) in any case, they must turn over to school support a *net* income of six per cent. from this fund. (Conn. Rept., 1864, 49-50)

In spite of legal regulations, this fund was mismanaged. The state exercised no supervision over it, and many local communities actually used the capital and left nothing but an obligation to pay six per cent. upon this amount for school support. The

¹ The status of this fund, as reported by the superintendent, the secretary of state, and state board of education, is shown, year by year, in the following:

Year	Amount for School Support	Year	Amount for School Support
1847	\$53441.00	1862	\$45819.00
1853	25000.00	1863	45819.00
1854	25000.00	1864	45819.00
1855	50000.00	1865	45819.75
1857	35000.00	1866	47951.72
1858	45819.00	1867	44979.34
1859	45819.00	1868	43983.75
1860	45819.00	1869	44883.94
1861	45819.00		

These figures are only approximations. The amount for 1857 is given as \$48242.00 in the Connecticut Report for 1858, p. 182. The amount reported annually from 1858 to 1865 is estimated upon the basis of the supposed amount of the fund in existence and the income on this at 6 per cent. as was required by law. After 1865, the amount indicated is that which the secretary of the state board stated was actually reported to him.

Connecticut School Report for 1888 (134-147) contains the following commentary upon the management of this fund:

" . . . in 1887 the ostensible amount of this fund was \$753,326.87. Of this amount about five-sevenths has been borrowed from this fund by the towns, or in other words, they have misappropriated it to their own use. They have not put themselves in the position of borrowers, but they have taken the fund, regarding it as belonging to them. It cannot be found that the fund adds to the number of schools, or augments the appliances or the libraries; it does not add to the wages of good teachers, or promote good teaching, it does not increase attendance, or decrease illiteracy, or arouse any general or public interest in the schools themselves." (Quoted in Steiner, *Education in Connecticut*, 43)

So far as the influence of this fund on the development of free schools is concerned, it could have been, under a *good management by the state*, a means of furthering this desirable end. As it was, it is inconceivable that it should, in any way, stimulate a locality to taxation for schools—the first essential of a free school system. It is conceivable, however, that in certain localities this income, together with the income from the school fund, amounted to enough to maintain a legal school four months in a year without either taxation or rate-bills.

LOCAL FUNDS

The origin of some of these funds has been indicated in the discussion about educational conditions of the colonial period. The Hopkins fund and the Bartlett bequest are two examples dating from that period. Some of these funds may have originated, also, from the distribution among the eastern towns of proceeds from the sale of land in the western towns of the state, during the colonial period. The grants made for the four county grammar schools would be another possible source. In addition other bequests were left from time to time to support schools, e.g., the Staples fund of 1781. Other examples are: (1) A fund of \$834.00 given by Isaac Coit of Plainfield about 1812 or 1816. The interest from this and tuition together constituted the support of an academy at that village. (2) Bacon Academy of Colchester had a fund of \$36,000 given by Mr. Bacon in 1803. (3) The Norwich Free Academy, originally endowed by subscriptions amounting to \$76,000, \$50,000 of which was permanent endowment, in 1890, had buildings and endowment amounting to about \$400,000. (Steiner, *Education in Connecticut*,

47-56) As most of these examples show, such funds were used to support or to help in supporting academies. Yet some of these gave elementary as well as secondary instruction. This was true of Bacon Academy and the Norwich Free Academy. The income from such funds, as reported by the secretary of the State Board of Education, is shown in the table following:

Year	Income	Year	Income
1856.	\$11327.00	1865.....	\$13786.00
1857.....	11327.00	1866.....	39782.79 ¹
1858.....	17489.00	1867.....	38231.59 ¹
1859.....	22815.00	1868.....	99981.66 ¹
1860.....	15207.00	1869.....	95527.00 ¹
1861.....	18873.00	1870.....	12300.34
1862.....	25584.00	1871.....	7920.77
1863.....	11696.00	1872.....	9627.23
1864.....	10403.00		

These funds may have been indicative of the zeal of some propertied people of Connecticut for the cause of education. Because they helped to maintain academies in the period of transition from Latin grammar schools to public high schools, they may have helped to keep alive an interest in secondary education. But so far as being free schools themselves, only one claimed to be—Norwich Free Academy—but even this institution charged some small fees. For practical purposes, it may, however, be considered a free school. But it was not supported by taxation, nor is it so supported to-day. These funds seem quite comparable with some of the endowments of the English endowed schools. Back of them is no idea of stimulating a community to active interest in education, rather they are supposed to furnish the means of education as a free gift or nearly so—very much akin to charity. The existence of such schools would always be a bar to developing taxation for support. The theory back of such schools, even when really free, is at variance with taxation as a means of support. This is well shown in the case of the Norwich Free Academy. An address made at the dedication of the building of the Norwich Free Academy reveals the ideas of the founders. The speaker, one of the leaders of the enterprise, questioned the value of supporting schools by taxation. This was the very first issue he raised. He contended that public opinion might be sufficient to support elementary schools by taxation, but that it

¹ Include funds from "other sources." In 1869, income from local funds was \$8919.15, and from "other sources," \$86,607.85. This would indicate a probable decrease in this source of support.

would not work for secondary schools. Again, an endowed school would not be subject to popular elections and changes in control. The points at issue are similar in some respects to those in the Kalamazoo high school case. (See Appendix) Such ideas were widely enough considered to merit the attention of the Hon. George S. Boutwell, secretary of the Massachusetts Board of Education. He took issue with the advocates of such school support and openly favored public support. He further declared that such institutions could not meet future needs of a changing society, as well as one dependent on public support. (Brown, 318-319) While the Norwich institution does not seem to have caused the establishment of a line of endowed institutions, the theory of such a means of school support was opposed to public taxation. In so far as this was a part of the current opinion of the time, it must have helped to retard support by taxation. It should not be overlooked, however, that the very presence of such a high type of school and the instruction it gave worked an amount of good which far outweighed its injury to the development of free schools supported by taxation.

The evidence concerning local funds does not show that they had very much influence in stimulating school support and interest in education or to have helped in securing free schools.

TUITION AND RATE-BILLS

The existence of tuition charges in Connecticut goes back to the beginning of the colony. The action of the Hartford town meeting in employing Mr. Andrews, already referred to, shows the recognition of tuition as early as 1643. In fact, this is one of the very earliest examples for this state. Clews (76) shows that in 1658 each child was to pay 8s. tuition in Wethersfield, and that in 1650 Stratford employed a schoolmaster and required parents of the children to pay one-half of the expense. In the Hartford action of 1643, not only was tuition charged, but the other important part of rate-bill support,—the exemption of the poor from payment of tuition—was also present. Other examples occurred from time to time up to the Revolution, but no record has been found that the General Court ever established rate-bills as a means of school support. It did provide for tuition by the law of 1650 and its later amendments. There are examples of action of the Court by which certain poor people were exempted from payment of their colony rates.

In the first general law after the Revolution, that of 1784, the earlier provisions of 1750 appeared without any mention of tuition or rate-bills. However, in the law of 1796 for schools, there appeared the following concerning school support:

"That where in any town or society there is not a sufficiency of money or interest provided, in the manner aforesaid, or by charitable donations, or sequestrations, or in other ways procured for the maintenance of a school as aforesaid . . . a sufficient maintenance shall be made up, one-half by the inhabitants of such town or society, and the other half thereof by the Parents or Masters of the youth or children that go to such school; unless any town or society shall agree otherwise; which they are hereby empowered to do." (Laws of Conn., 1796, 371-375)

By this law, for the first time after the Revolution the state itself made optional and legal the use of tuition to add to school support so that a school could be maintained longer than was possible by the income of the school fund. It is probable that this law recognized an existing practice, for it had existed before the Revolution; yet no evidence has been found of the actual use of tuition in the period of 1790-1800. It has been claimed that a law enacted in 1810 was the first law to provide for tuition bills, which of course is an error, as this law of 1796 shows. In the codification of 1799, concerned with taxation and the school fund, no mention occurs of a provision like that of 1796. (Barnard, Conn. Rept., 185-193) In the codification published in 1805, the provision of 1796 is found intact. (Conn. Laws, 1805) Barnard states that "In 1810 the expense of keeping a district school over the amount of public money was apportioned among the proprietors of the school according to the number of days each had sent a scholar or scholars to the schools, and in 1811 this was altered so as to *authorize the apportionment according to the number of persons sent.*" (Conn. Rept., 1853, 147) From an early time, it seems that each parent was expected to furnish his share of fuel for the heating of the schoolroom. In 1824, the following law was enacted:

"That no child or children shall be denied the privilege of attending school in any school district established by law in this state, to which such child or children belong, for, or on account of the inability of parent or parents, guardian or master of such child or children, to supply his, her, or their proportion of wood in such district—any law to the contrary notwithstanding."

¹ The writer has been unable to verify this statement.

This did not take from the district committee, however, the power to use due process of law to compel the furnishing of fuel or payment of fuel tax. (*Laws of Conn.*, 1824, 46-47)

The next tuition law—that of 1839—is a true rate-bill law, the first one enacted by the state. One extension of the application of tuition was made. The district committee was empowered to see that pupils were supplied with books, and, if necessary, to furnish such books and assess the expense upon the parents or guardians of the children concerned. This law allowed a district to charge tuition for excess of school expense above the income from "monies appropriated by law." The tuition was to be charged in proportion to attendance of pupils. Contingent expenses other than salary could be included in these bills, but not to exceed a total of twenty dollars per year. Children unable to pay could not be excluded from school, and the tuition of such children would be paid by the town to the district, whenever the district committee and the town selectmen agreed upon the exemption of the pupil from the charge. All the machinery of rate-bills except the collection and blank forms used in collection of tuition was provided in this law.¹

It should be remembered that this law was enacted in the year when the school district became a corporate body with strong power. Before a new law was enacted opposition to the use of rate-bills had begun to appear. In 1856, as a part of a comprehen-

¹ The important sections of this first general rate-bill law read as follows:

"15. Whenever the expense of keeping a common school by a teacher duly qualified, shall exceed the amount of monies appropriated by law to defray the expense of such school, the committee in such district for the time being, may examine, adjust, and allow all bills of expense incurred for the support of said school, and *assess the same upon the parents, guardians, and masters of such children as attended the same, according to the number and time spent by each.*"

"16. Whenever the contingent expenses of any school district, arising from repairs of schoolhouses or its appendages, books, costs, damages, or any other source, shall not exceed the sum of \$20 a year, the same may be included in the above assessment."

"26. No child shall be excluded from any school supported in all or in part out of any money appropriated or raised by law for this purpose, in the district to which such child belongs, on account of the inability of the parent, guardian, or master of the same to pay his or her tax or assessment for any school purpose whatever; and the school committee of such district and the selectmen, or a majority of the same of the town or towns in which such district shall be located, shall constitute a Board *with power to abate taxes and assessments of such persons as are unable to pay the same in all, or in part, and the said selectmen shall draw an order for the amount of such abatement upon the treasurer of the town in which such persons reside, in favor of said district.*" (*Barnard, Conn. Com. Sch. Jour.*, 195-196, Law of 1839) (Italics not in original.)

sive codification of the school laws, a new rate-bill statute was enacted. Even though enacted after seventeen years of practice under the law of 1839, this law shows few changes. Rate-bills could be charged for tuition, fuel, books, etc., when the state money was insufficient. While the law would not permit use of rate-bills so long as there was state money to use, the prohibition was practically of no concern. No one thought of using such means, unless state money ran out too soon. The district committee alone could exempt indigent persons from payment of these bills, while the law of 1839 required such exemptions to be made by a board composed of selectmen and district committee. In the law of 1839, no maximum tuition rate was fixed; by this law there were two maxima—one of one dollar per scholar for twelve weeks in common schools, and two dollars, for a like term, in "the higher grades." A very important change was that "all such bills may be required in advance." This was a device which it was hoped would be used to stop the decrease in attendance as soon as public money gave out.¹ While this law was in force, many districts began taxation. The number for 1855 was 63; for 1857, 125; and for 1858, 245. Many districts desired a higher rate of tuition and many desired free schools. (Conn. Rept., 1860, 40-42)

In the actual working of the law of 1856, it was soon found that the optional advance payment of tuition bills was not utilized. This caused trouble in payment of teachers' salaries, because the actual school support could not be determined until the tuition was collected. Two years later, a new rate-bill and tuition statute was enacted, with the purpose of remedying this condition. By this law of 1858, tuition bills might be fixed "at or before the commencement of a term." The use of the terms

¹ Chapter IV, sec. 13, of the law of 1856, read as follows:

"Any school district may fix, or authorize its district committee to fix, a rate of tuition to be paid by the persons attending school, or by their parents, guardians or employers, towards the expense of fuel, books and other expenses (including estimated deficiencies of payment) over and above the money received from the town or state appropriations, and the district or district committee shall exempt therefrom all persons whom they consider unable to pay the same; provided, that the rate of tuition shall not exceed one dollar per scholar for any term of twelve weeks, except in districts where different grades of common schools are established where the rate for the higher grades shall not exceed two dollars per scholar for the same time.

"All such bills may be required to be paid in advance, or may be delivered to the town or district collector, and may be by him collected in the same manner as town taxes are collected."

"may fix . . . the rate of tuition," seemingly left it optional again. However, the state superintendent interpreted the provision as mandatory. This law soon produced confusion. Legally no district could use a rate-bill unless it was fixed "at or before" the beginning of a term. Many district committees through ignorance or carelessness failed to do so, and when they later made out such bills found them illegal, and hence very difficult to collect. They were legally able to levy a tax to make up such deficiencies, but unwilling to do so. The mode of exempting an indigent person was also changed. "The selectmen, or board of school visitors, as a board, shall, on application of the district committee, exempt therefrom all persons whom they consider unable to pay the same." This placed final action in such matters with the towns, where it had partly been by the law of 1839. The maximum rates of tuition were also changed to two and four dollars respectively.¹ Of course a protest came up to the state capital from many districts and the law was changed in 1859. This law had but two changes in wording; otherwise it was identical with the law of 1858. The words "at or before the commencement of any term," and "including estimated deficiencies" were omitted. (*Ibid.*, 41-42) This did not stop the difficulties. The following complaints were now presented by those aggrieved: (1) "By not requiring any particular time at which rate-bills shall be fixed, parents and guardians are uncertain in regard to the expense of sending to school, and often detain their children or wards at home on account of uncertainty in regard to the expense, or send to the private schools, to the great injury of the public schools"; (2) "There seems to be a strong desire in some portions of the state that the schools shall be either

¹ In 1858, sec. 13, of the law of 1856 was replaced by sec. 1, ch. 43.

"Any school district may fix, or authorize its district committee to fix, *at or before the commencement of a term*, a rate of tuition to be paid by the persons attending school, or by their parents, guardians, or employers, towards the expense of instruction, fuel, books and other expenses (including estimated deficiencies of payment), over and above the money received from the town or State appropriations, and the selectmen or board of school visitors, as a board, shall on application of the district committee exempt therefrom all persons whom they consider unable to pay the same; and the selectmen shall draw an order on the treasurer of the town in which said district is located, in favor of such district, for the amount of such abatement; provided that the *rate of tuition shall not exceed two dollars per scholar for any term of twelve weeks; except in districts where different grades of common schools are established, when the rate for the higher grades shall not exceed four dollars per scholar for the same time.*" (Conn. Rept., 1860, 41) (Italics not in original.)

made free, or the rate of tuition fixed and known before the term of school begins"; (3) "In some cases, long after a term has been closed, districts have fixed a rate-bill when a majority of those attending school were unable to pay, and the districts have sought abatements and orders on the town treasury for the amount of these bills." (*Ibid.*, 42) It took such experiences as these to convince people that they were trying to do an impossible thing. If they fixed a rate of tuition before the term, the attendance might be too small to bring in tuition enough to meet expenses; if they failed to fix the rate of tuition, people objected because of the uncertainty and some would not send their children. In either case, the district committee was in a dilemma, and yet it took ten years more of such experience to convince enough people of the state of its futility to finally enable the legislature to abolish rate-bills entirely. The legislature amended the law in 1860 as follows:

"All rate-bills, or assessments for tuition, made by any district, in accordance with chapter 43, section 1, of the acts of 1859, shall be made out and delivered to the district collector within one week from the close of the term; and the said collector shall have the same power and authority in the collection of such rate-bills, as the collectors of town taxes have." (Sch. Laws of Conn., 1860, 26, in Conn. Rept., 1860)

By the first part of this act, it was hoped that difficulty number three, mentioned above, would be avoided. The second provision tightened up the reins of control with regard to actual collection. From earliest times, the collectors of taxes had power to levy on goods or property and sell them for unpaid taxes. This power, though implied in previous laws, was now made specific. This was one step further towards property taxation for school support.

The law of 1860 did not remedy the situation, for in 1862 the whole rate-bill statute was reorganized. By this law a rate-bill could be made out at any legal meeting of the district, from the beginning of the year to three weeks after the close of school. In the next place, the maximum rates of tuition were put upon a yearly basis instead of a term basis. It is impossible to tell whether these rates are raised or not. In the third place, an attempt was made to charge all persons the full term tuition so they could not have the excuse of saving tuition as a device to evade attendance. This was so fixed that deductions could not

be made, in any case, for less than a continuous absence of four weeks. The cases where deductions could be made were "absences from school on account of sickness, death, removal from the district, or other good reason, when the district committee may make a reasonable deduction.¹ These exceptions should be noted here, and also the agency which could make the deductions. Speaking of the practice of making out rate-bills on actual attendance, in 1864 the secretary of the state board said: "There are a few districts, mostly in agricultural towns, which still make out a school bill in this manner, but there has been no legal authority for the collection of such bills for many years. The common schools in all the cities, in most of the larger manufacturing villages and in many agricultural districts are made free by a tax on property" and thus avoid all of this trouble. (Conn. Rept., 1864-65, 53) A year later the same official said: "The

¹ The rate-bill statute of 1862 was as follows:

"Sec. 1. Any school district in lawful meeting, may fix, or authorize its district committee to fix a rate of tuition to be paid by the persons attending school, or by their parents, guardians, or employers, towards the expenses of instruction, fuel, books, or other expenses, over and above the money received from the town or State appropriations; and the selectmen and board of visitors, as a board shall, on application of the district committee, exempt therefrom all persons whom they consider unable to pay the same; and the selectmen shall issue an order on the treasurer of the town, in which such district is located, in favor of such district, for the amount of such abatements.

"Sec. 2. The rate of tuition fixed as aforesaid shall not exceed six dollars per scholar for each school year or a proportionate sum for each term of school, or part of a year, except in districts where different grades of common schools are established, where the rate for the higher grades shall not exceed twelve dollars per scholar per school year.

"Sec. 3. Such rate of tuition may be fixed by a district at any time during the school year, or within three weeks after the close thereof, and shall be assessed on all persons who may attend, or upon their parents, guardians, or employers; and for any person attending schools during any part of the term, the whole tuition fee for said term shall be paid, except in cases of absences from school on account of sickness, death, removal from the district, or other good reason, when the district committee may make a reasonable deduction from the sum to be paid for each person; but in no case shall any deduction be made for any absence except for a continuous absence of not less than four weeks.

"Sec. 4. Whenever a rate of tuition has been fixed by any school district, in accordance with the provisions of this act, the rate-bill, or assessment of such tuition shall be made out and signed by the district committee, and may be delivered to the collector of the district, or if there be no district collector, then to either constable of the town; and said collector, or constable shall have the same power in the collection of the same, as is possessed by collectors of town taxes; and such constable shall be allowed the same fees for collecting as are allowed the collectors of State taxes."

The last section repealed all other rate-bill laws and provided that the change should not affect any past events concerned with tuition. (Conn. Rept., 1864-1865, 52-53)

amount received from this source last year was \$31,422. More difficulty is experienced in collecting this amount in school bills than in collecting \$227,000 assessed as taxes by districts and towns." (Conn. Rept. 1865, 8)

Instead of lessening the difficulties, the legislature condoned them. This is shown by a long series of special validating laws for illegal acts. One of these, enacted June 19, 1863, validated assessments for rate-bills when officials failed to make them out within the prescribed time. (Laws of 1863, Chap. VIII) A law enacted five days later attempted to remedy difficulties caused by carelessness of collectors. If any collector was found to be unprovided with the proper warrant for collection of rate-bills or taxes, "it shall be lawful for the selectmen . . . to apply to some justice of the peace . . . to issue a warrant. . . ." (Laws of 1863, Chap. IX) On July 10 of the same year another validating act was passed. (Laws of 1863, Chap. XLVIII) At various times, certain joint and union districts had been organized in various parts of the state. In much of the school legislation, provisions were inserted making the usual rate-bill regulations and laws apply to them. As late as 1861, such provision was made for New Haven. (Laws of 1861, 21-26, Chap. XXVII) Joint districts were formed of territory from two or more adjoining towns. In some cases, the amount of school tax collected in the territory belonging to one town exceeded the amount collected in the other. By a law of June 30, 1864, it was provided that the excess school tax in such cases should be applied to the payment of tuition bills of children residing in the town where the tax was collected. (Laws of 1864, Chap. XXII) July 9, of the same year, the whole rate-bill law was re-codified. It differed from that of 1862, in one important particular, which is shown in the section following:

"All applications made to the selectmen and board of visitors for the abatement of tuition bills assessed by any district, shall be made within twelve months from the close of the school term, for which such tuition bills are due." (Laws of 1864, Chap. LXXVI; Conn. Rept., 1866-1867, 168)

No other general or special laws relating to rate-bills have been found in the legislation of Connecticut since 1864, except the free school laws of 1869-1870, which will be treated elsewhere. In going over this legislation one must be impressed with the utter futility of efficiently regulating such a financial scheme as

Connecticut tried. Any change made seemed to accentuate existing difficulties or create some new difficulty of administering the law.

Having shown the legislative history of tuition and rate-bills, an attempt will next be made to indicate the actual use of these means of school support. By reference to Table II (Appendix) this is partly shown. In some cases these may be general approximations. Yet they show a general tendency to a gradual increase from 1846 to 1868, the last year they were legal. One may ask, "What about the previous period, from 1790 to 1840?" Not having many statistical records of those years, no one can say absolutely what conditions existed. There is a strong supposition, however, that rate-bills were used but little then, because, as has been shown, the income from the school fund in many districts was sufficient to pay teachers' salaries for three or four months a year. By reference to Table IX B and C, Appendix, it will be seen that as late as 1848 the amount contributed by the school society was very small, 2.6 per cent. for Willimantic and 3.8 per cent. for Salisbury. By inspection of Table II, it will be further seen that rate-bills constituted *approximately 10 per cent. of the total school support for the years 1855-1868*. Immediately after the Civil War all school expenditures increased. (See Appendix, Tables II, III, and IV) The increase was least marked in the expenditure of money from the school fund. In fact, it may hardly be called an increase. It is most marked in town and district taxes and rate-bills; in other words, the local community now assumed more importance in school support.

The figures showing the numbers of districts using rate-bills are incomplete; yet those given (Table II) show a marked tendency to a decrease. In 1855, 70 per cent. used the rate-bill; in 1865 nearly 31 per cent. used it. And the figures given in Table VI (Appendix) for 1863-1865 seem to show the same tendency. The 296 districts for 1865 represented slightly over 18 per cent. of the total number of districts in the state. It is also shown in Table VI (Appendix) that there was a lesser tendency to use rate-bills in the eastern counties, *i.e.*, Windham, Tolland, and New London; yet they do not seem to show any stronger tendency to use district taxation. This may be partly accounted for by the fact that the town tax now began to play a

greater rôle, even though the district tax was also increasing rapidly. (Appendix, Table IV)

LOCAL TAXATION

At various times in Connecticut there has been practically no local taxation for schools, either voluntary or required by the state law. It has been shown that a colony rate was levied which was re-distributed to the towns. This practice continued until 1821, when the legislature abolished the state tax, due to the income of the state fund. This state of affairs continued until the enactment of the law of 1856 abolishing societies, when the so-called one per cent. tax was established. This was essentially a town tax, although required by the state laws, for it was levied, collected and disbursed within the towns themselves. In 1859, the last year this tax was levied, the 161 towns of the state collected \$72,342. This was the largest amount collected under the one per cent. law which was in force from 1856 to 1860. (See Appendix, Table IV, for amounts of this tax) In a change made in 1858, it was required that such taxes were not subject to abatement. (Conn. Rept., 1861, Public Acts, 28-29) In 1860, this rate was changed to three cents on the hundred dollars, and the law was referred to as the three per cent. law.¹

The revenue derived from this the first year (1860) was \$72,342. (Appendix, Table IV) The law set the minimum. The superintendent of common schools, in 1863, said, "Some towns raise more than this amount." (Conn. Rept., 1863, 8) In 1861, this "three-tenths" law was changed so that in the distribution of the money to the districts, it should be used to make a sum equal to

¹ The so-called three per cent. tax law read as follows:

"It shall be the duty of each of the towns in this state, annually, on or before the first day of March, to raise by taxation such sum of money as they may deem advisable, *not less than three-tenths of a mill on the dollar*, or three cents on the hundred dollars, on the grand list on the said first of March last made and perfected, and cause the same to be paid into the treasury of the several towns, respectively, for the benefit, support and encouragement of common schools; and the whole amount of money so raised shall be annually distributed to the several school districts within each town, under the direction of the selectmen and school visitors.

"2. If any town shall neglect to raise such sum of money, not less than three-tenths of a mill on the dollar, in the manner and within the time limited in the preceding section of this act, or shall fail to distribute the same according to the provisions of said section, such town *shall forfeit and pay to the treasurer of the state a sum equal to the amount which it was the duty of such town to raise as aforesaid*, to be recovered by said treasurer in an action upon the case, under the statute." (Conn. Rept., 1861, Public Acts, 28-29)

thirty-five dollars per district whenever the money from the state school fund did not reach that amount. (Conn. Rept., 1864, 50) The income from this tax increased from \$72,342 in 1860, to \$93,726.10 in 1866. This is evidence in itself that many towns levied more than the required "three-tenths of a mill," for it is not likely that the tax valuation would change so much in six years, and especially during this period. In 1866, the law was amended as follows:

"Be it enacted . . . that the part of section fifty seven, page three hundred thirty six (of the general statutes, 1866) that reads 'not less than three-tenths of a mill on a dollar', shall read 'not less than .4 of a mill on a dollar'." (Conn. Rept., 1868, Appendix CXXVIII)

This change, together with the increase in tax valuation and possible levies above four-tenths of a mill, increased this source of income to \$149,680.99 in 1867, an increase over the income of 1866 of 59.4 per cent. In 1867, the legislature proposed several laws and continued them till the next session. One of these proposed that the money from the town tax and town deposit fund should be distributed to the districts on the average daily attendance basis. (Conn. Rept., 1868, Appendix CXXXIV) On July 24, 1868, the legislature enacted two laws, one of very great importance, both concerned with the town tax. The first enacted into law the proposal of the previous year to distribute the income from the town tax and deposit fund upon the basis of average daily attendance, but only after each district had received from these two sources and the state school fund at least fifty dollars. (Conn. Rept., 1869, 216) The second of these laws was the following:

"Be it enacted by the Senate and House of Representatives in General Assembly convened:

"Sec. 1. Each of the towns in this State, shall annually on or before the first day of March raise by taxation, in addition to the four-tenths of a mill tax required by section fifty seven, page three hundred and thirty six of the general statutes of 1866, as amended by an act approved June 30th, 1866, *such sums of money as each town may find necessary to make its schools free, not less than six-tenths of a mill on the dollar on the grand list* of said town made and perfected, and cause the same to be paid into the treasury of the several towns, respectively, for the support of common schools; and the whole additional amount of money so raised shall be annually distributed to the several school districts within each town, under the direction of the selectmen and school visitors.

"Sec. 2. If any town shall neglect to raise such sum of money, in the man-

ner and within the time limited in the preceding section, or shall fail to distribute the same according to the provisions of said section, such town shall forfeit to the treasurer of the State a sum equal to the amount which it was the duty of the town to raise aforesaid, to be recovered by the said treasurer in an action upon the case.

"Sec. 3. This act shall take effect from the beginning of the next school year, but shall not affect any suit then pending, or any claims for rate of tuition in schools then in session, or accruing during the present school year.

"Approved July 24th, 1868." (Conn. Rept., 1869, 217)

This law is the first *free school law* for elementary schools enacted by Connecticut. It is thus important, as well as a town tax law. Under its provisions the income from the town tax leaped from \$160,347.35 in 1868 to \$415,318.26 in 1869, a gain of \$254,970.91, or 159 per cent. This sum of money may be taken as the approximate amount of money needed in 1869 to make the schools of Connecticut free. This sum is equivalent to five-eighths of the total school resources of 1859. (Appendix, Tables II and IV) The amounts collected by the town tax from its inception as the "one per cent. tax" of 1855-1856 to 1875 are given in Table IV, Appendix. From 1855 to 1857 it was greater than the district tax. By the passage of the law of July 24, 1868, it was made approximately equal to the district tax.

Having shown the history of the town tax, the district tax will be discussed. The law of 1839, creating districts as bodies corporate, carried with it unlimited taxing power, so far as state laws were concerned. Yet it should be remembered that the acquisition of this power was a part of the decentralization movement previously described, for as early as 1799 the local district had power to levy tax for school buildings, furnishings, and fuel. Both union districts and small districts had the power of taxation as early as 1841. In the codification of laws in 1853, the status remains the same. (Conn. Rept., 1853, Appendix 8-9) All taxes levied resulted from action of the district meeting including all legal voters of the district. In any case, it would be necessary to convince a majority of these of the necessity of a tax before the district would ever have a tax for school purposes. They could use the income from funds and rate-bills instead. With a different form of organization, this type of taxation might have developed more rapidly, although it is but a probability. Yet the possession of the power to tax was valuable to those dis-

tricts which desired to use it. In 1862 and 1863, laws were enacted providing for the taxing of manufacturing establishments in the district where they were located—an immense advantage to the district fortunate enough to include such an establishment. (Conn. Rept., 1864, 47) Down to laws in force in 1910, the state has not required districts to levy taxes.

In the decade of 1790-1800, as has been described, the ecclesiastical society practically supplanted the town. With this of course went the power to levy a "society tax" for school purposes. This power remained with the societies until their abolition by the law of 1856. However, much of the history of the society taxation covers a period when few records were kept, and also when the state school fund was the main support of the schools, which facts make it impossible to say much more than that probably society taxation was never used to any extraordinary extent. Table IV (Appendix) shows that in 1855, the year before the abolition of the societies, the sum of \$25,884 was thus collected, or twice as much as the district tax.

A comparison of the town and district taxes has already been made. Some comparisons are here noted with other items of school support. From 1855 to 1864, district taxation was less than the income from the school fund. Since then, it has exceeded the income from the school fund. The year 1864 may be taken then as the point at which local interest produces enough action to do more than the state was doing—a sort of balancing point, in fact. As compared with the estimated income from the town deposit fund, the district tax seems to have equalled it by 1856, and rapidly outdistanced it thereafter. (See Appendix, Table IV) From a comparison of Tables III, IV and IX (Appendix) it will be seen that as far as resources per capita were concerned, local taxation from 1861 became the most important factor in school support, and that the great portion of this for some time came from district taxation.

Besides the means of support thus far described, there were other kinds utilized in varying degrees from time to time. For example, "voluntary contributions" appears as an item on two or three occasions. Yet the important sources of school support are the ones already described: school fund, town deposit fund, local funds, town and district taxation, and tuition.

The manner in which the state distributed the state school tax,

the school fund income, and the town tax, was such that only a minimum of local activity, if any, was aroused. That the state could have stimulated local communities more is shown by experience of the state in encouraging the development of district school libraries. In the general codification of 1856, a provision authorized the state treasurer to pay ten dollars to any school district for a school library, if the district would raise a like sum for the same purpose. From 1857 to 1868 the state paid out \$11,-960.71 for this purpose, and the districts raised at least \$13,667.23. Except for the years of the Civil War, the number of districts availing themselves of this aid averaged 200 each year, or about one-eighth of all the districts. These facts show that the state could have done more with other funds, as well as with aid for school libraries. (Data compiled from Conn. Rept. for 1857-1869)

DEVELOPMENT OF FREE SCHOOLS

GROWTH OF FREE SCHOOLS AND MOVEMENT AGAINST THE RATE-BILL

The state of Connecticut established free schools by the law of 1868; but it had had many free schools before that time. Even in colonial times some schools seem to have been free from the tuition charge. The action of New Haven on December 25, 1641, is an example. The only means of support mentioned is a "yearly allowance—to be given it out of the common stock of the town," and it is expressly referred to as a free school in the sentence, "It is ordered that a *free* school be set up in this town." The historians of education in Connecticut and of New Haven, as well as writers on general history of Connecticut, have always referred to this as a free school, in the sense of being free from tuition. There is also the action of New Haven of 1644 concerning a free school of grammar school type. In 1652, the action concerning Mr. James specifically mentions two types of support—"ten pounds a year out of the treasury and the rest he might take of the parents of the children." This action says nothing about a free school; those of 1641 and 1644 did use the term. The action of the Court of Elections of 1657 again mentions these two types of school support, and says nothing about a free school. The law of 1650 is silent on this point. The act of 1676 mentions the use of the rate, as means of school support, but leaves way open for other methods. The law of 1680, to establish two grammar schools in Hartford and New Haven, provides for their support without tuition. There also occurs the passage to keep "the towne schools in the several townes as distinct from the free school." In the general law of 1700 for the use of rate and tuition, nothing is said about free schools. All of these examples show that when the term "free school" was used, no use of tuition was mentioned. Another fact should be remembered in this connection, and that is the practice of the people of England from whence these people originally came. This whole matter has been studied by Leach ("English Schools

at the Reformation") who concluded that a "free school" was one charging no tuition.¹ These two sets of facts seem to point to but one conclusion, viz., that when the colonists of Connecticut used the term "free school" in their laws and educational practices, *they meant a school free from tuition charges.*

The colonial law of 1650 regulating apprenticeship made no provision for public support of this type of education. A comprehensive poor law was enacted in 1786. This provided for limited compulsory support of paupers, and compulsory apprenticeship for "any poor children in any such town that live idly, or are exposed to want and distress," but it made no specific provision for public support of such apprenticeship. (Conn. Laws, 1786, 343-344) If, however, poor children had been found who should have been indentured as apprentices, and if no master could be found to care for them by an ordinary contract, what would have been done? It seems very probable that such cases would have been handled according to English traditions, and as they were actually handled in some other colonies. If so, the town would have been called upon to pay a fee, probably five pounds, to some person who became master to the child or children. While no specific provision for such support existed, it may be that apprenticeship was to a very slight degree supported from the public purse.² And, if so, it constituted a means of free education for children of the poor. For the period from the Revolution to 1840 we find some little indirect evidence of the possible existence of free schools. The great dependence placed on the State School Fund during this period seems to point to the conclusion that practically nothing else was used to support schools. Such scanty information as comes to us from this period indicates: (1) that teachers' wages constituted practically all of the school expense (fuel usually being contributed) and that teachers' wages were very low (See Appendix, Table V); (2) that practically all of the teachers' wages were paid from the income of the School Fund; (3) that the income of the School Fund was sufficient to maintain a school for three or four months. If these suppositions are true, many of the district schools would be free from tuition because the income from the School Fund was sufficient to maintain them.

¹ The writer recognizes that not all historians agree with Leach.

² Seybolt assumes that such was the case in Connecticut but gives no examples of it. See Bibliography for title.

44. *Development of Free Schools in the United States*

Barnard, in commenting on the law of 1788, makes the following statement: "No time being specified, the schools were soon kept open just long enough to use up the public money drawn from state and society funds, and then closed as public schools." (Conn. Rept., 1853, 145) In 1821, the state-wide tax was abolished, and seemingly complete dependence placed upon the income from school funds as a means of school support. At no time during the early part of the nineteenth century were communities required to maintain schools longer than such funds would keep them. These facts then seem to point to the conclusion that public schools were free in many cases, but supported only as long as the income from school funds would keep them going. However, this did not prevent a private school of the same grade, charging tuition, to appear as soon as the public free school had closed. One should not be led to believe that free schools were universal in Connecticut during this period. There was too much legislation concerned with rate-bills and tuition during this period to allow such a presumption. The laws of 1796, the changes of 1810 and 1811, the fuel law of 1824, and the very comprehensive law of 1839 are the evidences showing the legal right to use tuition bills, and which, very probably, was widely enough used to require such laws. What would be the need of the law of 1824 if fuel bills were not actually used?

From 1840 to 1868 laws concerning tuition bills were enacted in 1856, 1858, 1859, 1860, 1862, 1863 and 1864. The need of more support for schools than that furnished by income from funds, was answered by this series of laws, the permissive laws for district taxation, and the required town-tax laws. In a great degree this was *the period* of the development of free schools supported largely by taxation. (See Appendix, Tables II, III, IV and IX)

How did rate-bills and tuition actually affect the schools? Upon the answer would depend the reasons for a change. A school visitor of Prospect Society is quoted as follows:

"Many scholars stay away from school to avoid paying balance of term bill. It is a wretched policy to tax parents in proportion to the attendance of their children. It is a premium on non-attendance. Societies should be obliged to see that every child is in school at least four months to be entitled to public school money for that child, and be obliged to continue a free school four months in summer and winter." (Conn. Com. Sch. Jour., 1834-1840, p. 222)

The editor of the *American Quarterly Register* (1833) declared that taxation was a better means of school support, because it removed the burden of school support to property. (*Am. Quar. Reg.*, May, 1833, 297) In the same year that the first comprehensive rate-bill statute was enacted, Henry Barnard, then secretary to the Board of Commissioners of Common Schools, argued against such a law in no uncertain terms.¹ His statement seems to be one of the very first examples of determined opposition to rate-bills. He placed stress upon the evil effect upon attendance, the increase of the tuition of those who did attend school, and the relation of the private schools to the system. Later in the same year, he again declared that the rate-bill system encouraged the wealthy to patronize private schools, and estimated that 10,000 children were attending such schools. He further declared that he found such schools opposing improvements in the public schools.² The Board of Commissioners of Common Schools expressed similar views but in a more guarded statement.³ In 1838, Governor Elsworth urged that the money

¹"It is difficult to frame a law to operate more unfavorably, unequally, and in many instances, more oppressive than this. There is not only the ordinary pecuniary interest against it, but it is increased from the fact that all the abatements for poor children must come upon them who send to schools. . . . Again, many of them who are thus required to pay the bills of their poorer neighbors, are just able to pay their own, and the addition of a single penny beyond that is oppressive, so long as the burden is not shared by the whole community. . . . Again it is an inducement to parents to keep their children at home, on any trifling demand for their services—for in so doing, there is no pecuniary loss sustained; as on the other hand, their school bill is by so much diminished. . . . The unequal operation of the present mode of continuing the schools becomes more oppressive as private schools increase—and a larger number of the wealthier members of society withdraw from the public schools. It thus throws all the extra expense of the schools, as far as the poor are concerned, upon that class, who either from public-spirit, or other motives, send their children to the common schools. As to this portion of our school law, I have found but one opinion prevailing among the most intelligent men practically acquainted with the working of it; that it is radically defective." (Conn. *Rept.*, 1855, 21-22. Quoted by Philbrick) (*Conn. Com. Sch. Jour.*, 1838, I: 162)

²"The present mode of supporting common schools, principally by public funds and by taxation on the scholars, has operated to encourage men of property to abandon them and patronize private schools. Judging from official returns . . . there cannot be less than 10,000 children under 16 years, in private schools, at an aggregate expense of not less than \$200,000 for tuition alone. . . .

"Nay, more, I have found an antagonist interest arrayed against every effort to improve the common schools." (Barnard, *Com. Sch. Jour.*, I, p. 173)

³"On the subject of private schools, which have greatly increased in recent years, the Committee feel hardly prepared to express a decided opinion, especially with regard to the general influence which they will eventually have on the common schools. That this influence, at present, in certain circumstances,

spent in tuition at private schools be united with the support given the public schools and thus enable the children of the poor to obtain better education. (Conn. Rept., 1853, 163-5)

The effects of rate-bill schools and of consolidated free schools were illustrated by the conditions existing in certain districts, and the improvements due to consolidation and support without rate-bills. Private schools disappeared, attendance in public schools increased, the average expense per pupil was lessened, and the educational advantages were open to all whether rich or poor.¹

The secretary of the board declared that the city schools of Connecticut were inferior to those in other states, because the outside schools "were free, and children of all classes . . . are found in the same schoolroom." (Rept. Sec. of Bd., 1842, 26-27)

In 1842, Henry Barnard, as secretary of the Board of Commissioners of Common Schools, again attacked the rate-bill system and advocated support by taxation, in the following words:

"To place these schools on their old footing, and interest the community in their welfare, I have advocated the abandonment of quarter bills, or charge per scholar, and making property, whether it represented children or not, chargeable with their support. This is the cardinal idea of the free school system, and with the aid now furnished from the school fund, which is appro-

is injurious, they have no doubt." (Address of Bd. of Comm. of Common Schools, 1838, 23)

¹ "In 1838, there were four districts with 885 persons over 4 and under 16 years of age. Of this number 276 attended the common schools. The poor, and those only who felt but little interest in the education of their children sent to them. The schoolhouses were old and very much out of repair. The studies were those ordinarily pursued in the common school. There was no uniformity of books, and the teachers were constantly changing. There was no money raised for their support, beyond the avails of the public funds. At this time there were 8 or 9 private schools taught by well-qualified and well-paid teachers, and including the children of those parents who cared most for education. The aggregate expense for tuition alone, in these schools, was three times as great as the whole expense of the common schools.

"In 1839 after several public meetings, an entirely new system of public schools was adopted. The four districts were made into one society. Four primary departments . . . and one high school were established. In 1842, out of 849 children between the ages of 4 and 16, 675 were connected with the public schools and among them are (were) the children of the best educated and wealthiest families of the city. Nearly all the private schools have given up, and a saving effected this way of nearly \$4,000.00 a year. The entire expense of the public schools is nearly \$2,000.00 less than was expected on the private schools in 1838 and the average expense per scholar is less than it was at that time. The crowning glory of the whole is—that it is a practical illustration of what can be done to make the common schools good enough for the richest, and cheap enough for the poorest, and thus to make the advantage of a good education common to the rich and the poor." (Rept. Sec. of Bd., 1842, 26)

priated for the equal benefit of all people, this charge cannot be considered burdensome. This too is the practice of every city which has an efficient system of schools. The practical abandonment of it in our cities, has led to withdrawal of the children, and the active interest, of the wealthy, from the private schools. Many parents who now send to private schools, would send to the common schools, if they were taxed annually for their support. . . ." (Rept. Bd. of Comm., 1842, 25)

The school visitors gave evidence concerning the effects of rate-bills and desire for changes. In the school report of 1846, statements against rate-bills were made by visitors from the following societies: Greenwich second; Norwalk; Ridgefield first; Stamford first; Brooklyn; Ashford first; Killingly; Plainfield; Thompson; Voluntown; Torrington first; Torrington (Torrington); Warren; Winchester second; and Westbrook. Their statements included the following: (1) rate-bills encouraged non-attendance; (2) they make collection of salary by teachers more difficult; (3) an equal amount of educational privilege was denied many children. Others recommended taxation for schools, and better methods of distributing the school fund money. One district was reported as having a surplus of \$100 from the school fund income, while others were compelled to charge rates of tuition varying (in one town) from \$1.34 per year to \$13.52. Many urged that each community be required to tax themselves for school support as a condition to receiving the state school money. One said that the great fund "lulled the people into a state of indifference." (Conn. Rept., 1846, 83, 85, 90, 92, 99, 102, 106, 107, 112, 113, 133, 135, 141, 151)

In the same year the superintendent of common schools published a list of eleven defects in education, as he saw them in the visitors' reports. In none of these did he mention free schools, but he did urge an agitation for taxation of local communities for school support, the abolition of small districts, to make common schools better able to compete with private schools, and to distribute the public money to help weak districts and increase attendance. (Conn. Rept., 1846, 8-13)

A brief mention of the monitorial system as used in the schools in Middletown occurs in 1846. At an earlier time it was in use also in New Haven. Governor Wolcott recommended its adoption as early as 1825. In spite of the fact that it was a cheap device for reaching many pupils, no evidence has been found to indicate its wide use in Connecticut. When its use was the

fashion, Connecticut was relying very largely on the school fund; when Connecticut became aroused to the need of greater school facilities and taxation, the monitorial system had ceased to be the fad of the moment. (Conn. Rept., 1846; 1853, 151) An appeal to the real utility of free schools and the fact that they could be established was made by the superintendent in 1849:

“In Worcester, Lowell, Salem, Roxbury, and Cambridge, and many other cities corresponding to our own, in respect to population, free schools are established, of so elevated a character, as to compel even the wealthy to abandon private schools.” (Conn. Rept., 1849, 97)

In 1846, the legislative joint standing committee on education recommended a list of eight important changes in the school system of the state; but they did not mention taxation or free schools. They did, however, recommend the abolition of school societies. (Conn. Rept., 1847, 8-21)

A study of the governors' messages up to 1850 reveals the fact that not one of them had said a word about free schools. Most of them referred to the school fund, one recommended a small district tax (1831), and they usually urged that the legislatures consider the state superintendent's report.

One of the advances made in the state during this decade was the change effected at Hartford in 1847. Horace Bushnell championed the cause of popular education there with telling effect. Henry Barnard came back into the state at the request of friends of this movement and spoke and wrote in favor of better educational conditions at Hartford. A pamphlet prepared by him and used in this campaign is given, in substance, in his annual report as superintendent, for 1850. As a result of the campaign, Hartford voted “to establish a free school for instruction in the higher branches of an English and the elementary branches of a classical education, for all the male and female children of suitable age acquirements in this society, who may wish to avail themselves of its advantages.” The old colonial school of Hartford had been previously transformed into a sort of an academy. Now this ancient foundation was incorporated into the new high school and the income from its endowment used for the support of a classical teacher. (Brown, 312) The law of 1690, which established the old grammar schools here and at New Haven, provided for support without tuition. Yet it is the grammar school upon the Hopkins foundation which seems to have survived, which in

some of its period was a free school. This school would represent, in its tradition, the ideal of a free school, as well as exemplifying in one locality and institution the three great stages in the evolution of American secondary education. (Steiner, 25-28; 50-52)

As a sort of finale to the development of this decade, came the establishment of free teachers' institutes, supported by the state (1848), and the establishment of the State Normal School (1849). The institutes were established by a resolution of the General Assembly which provided as follows:

"That the Superintendent of Common Schools be, and hereby is, directed to employ suitable persons to hold, at not more than sixteen convenient places in the different counties of the State, in the months of September and October, annually, schools of teachers, not exceeding one week each, for the purpose of instructing in the best modes of governing and teaching our common schools; —and the compensation of the persons so employed shall not exceed three dollars per day, in full, for services and expenses for the time occupied in teaching and traveling to and from the several places where the schools may be held—which compensation shall be paid from the civil list funds of the state." (Conn. Rept., 1849, 30)

The superintendent, in his notice announcing these "schools of teachers," said, "the schools will be open free of charge to all who propose to teach in our public schools. . . ." (*Ibid.*, 31) With some degree of truth this may be called the first free school law of the state.

The normal school was established by a law of June 22, 1849. This law provided that the state should pay the expenses "incurred by the trustees"; and that the number of pupils should "not exceed two hundred and twenty." "To all pupils so admitted to the school, the tuition and the privileges of the school shall be gratuitous." (Conn. Rept., 1850, 82) If we call the law of the preceding year for the establishment of teachers' institutes the first free school law, then this becomes the second.

This decade was one of marked progress compared with the preceding. The uniting of districts in urban communities began under the short-lived law of 1841. Henry Barnard appeared as the advocate of taxation as a means of school support, many of the school visitors were urging taxation for schools, the Hartford high school had been established as a free school, and the state had begun to furnish free facilities for the training of common school teachers. Much yet remained to be done; public opinion was yet too inert.

THE MOVEMENT FOR FREE SCHOOLS, 1850-1856

The next decade was marked by a great advance in public opinion and by some very important legislative changes, chief of which was the school code of 1856. The events leading up to this enactment will be described. Henry Barnard, as principal of the Normal School and superintendent of common schools, carried out an extensive propaganda for better schools. In 1850-1851, this work was conducted by Barnard and seven other persons. They made more than two hundred addresses in at least one hundred different societies during the first year. (Conn. Rept., 1851, 4) In 1852-1853, the propaganda was more extensive and intensive, affecting teachers, school patrons, pupils, publication of reports, and coöperation of more newspapers than previously. (Conn. Rept., 1853, 3-4) It is not known that these men made free schools one of their important specific issues, but it is known that their work was to better schools in any respect. In 1854, they urged "consolidation of districts," and "support of schools by tax on property." Barnard was succeeded in 1855 by Philbrick, who continued the propaganda with the aid of three helpers. (*Ibid.*, 1855, 37-38; 80-88) The Connecticut *Common School Journal* was used to great advantage. It published facts about schools of Connecticut and other states, articles from school officials and private citizens, coöperated with the state superintendent and State Teachers' Association in urging better schools supported by public taxation.

Some of the larger cities of the state made advances, and established free schools. This had its effect. An association composed of school committees and friends of education, held at South Coventry in 1851, petitioned the legislature for changes, chief of which were the abolition of tuition and support of schools entirely by public funds and taxation. They submitted with their petition a proposed law for reorganization of schools and school support. (Conn. Rept., 1851, 79-80)

An essay written by Noah Porter in the previous decade was republished in the report for 1850, and otherwise given wide circulation. It urged free schools supported by public funds and taxation.¹

¹"The doctrine should be understood and proclaimed in Connecticut, that the property of the whole community may rightfully be taxed, for the support of public education. It should be proclaimed because it is a true doctrine.

In 1854, Mr. H. H. Barney, commissioner of common schools of Ohio, addressed the Connecticut State Teachers' Association, and strongly urged free schools. (*Conn. Com. Sch. Jour.*, 1854, 195-196) The commissioner of the School Fund (Mason Cleveland) in 1854 declared against tuition and rate-bills as means of school support, and described some of their injurious effects. He recommended that all districts be required to raise, by a property tax, an amount equal to one-third that received from the School Fund.¹

In 1851-1852, Governor Seymour condemned the loss of local

The pecuniary interests of a community like our own, to say nothing of those interests that are higher, are deeply concerned in the question whether *all* shall be educated. They are vitally concerned too, that all shall be *well* educated. The property of the rich whether they have children or not, may and should be taxed, because the security of that property demands that this insurance should be effected upon it. The tax which they pay is only the premium on this insurance. Besides, it is cheaper as well as more grateful, to pay a tax for the support of schools, than it is to pay the same for jails, and poor-houses. In Connecticut this right is denied and disputed. A tax may be levied on a district for the construction and repair of schoolhouses but when a sum is to be raised additional to that which is received from public funds, it is left to those who have children to send to school. The consequences of this system are most mischievous. The summer school becomes a select school instead of a public school. Or perhaps to make it open to all, for a month or two, the allowance from the public treasury is eked out by the greatest possible extenuation. . . . When this 'short allowance' is consumed, the children of the laboring poor, at once the most numerous and the most needy, are retained at home, because the parents can or will not pay the capitation tax. . . . This bad and unequal system is sustained from two sets of causes—the opposition of so many tax-payers to a system of property taxation—unaccountable, the opposition of these who are *tax-voters* but not tax-payers, who are set against such a system because it tends to build up schools for the rich! More than one instance can be named, in which this doctrine has been industriously circulated by some cunning miser among his poorer neighbors, and they have gone to the school meeting to vote against all expense, not dreaming that their advisers were trembling in their shoes. . . . This is unequal, anti-republican, and wrong; it ought to be made odious. It should be held up in all its unfairness. The right of the town or school society to tax itself should be embraced by all parties." (*Conn. Rept.*, 1850, Appendix L) (Noah Porter)

¹"Already, as you are aware, a great number, if not a majority of the districts . . . are compelled to raise money in some way to enable them to comply with the provisions of the law now in force, which requires them to support a school not less than four months in each year, as a condition of their participation in the benefits of the fund. The course adopted in most cases is to levy a tax or assessment upon the scholars belonging to the school, in proportion to the time they attend, which not infrequently induces the poorer classes to withdraw their children, at a time when this continuance is of the highest importance to their mental advancement. I regret to add that the instances are not rare, in which the same course is pursued by those who are abundantly able to continue the children after the public money is expended; the result of which is to impose on a few the burden of supporting the school the allotted time, in order to secure their proportion of the school fund." (*Rept. Com. Sch. Fund*, 1854, 11)

initiative in school support due to the School Fund and declared against control of schools by societies. Most important was the recommendation that local school units of control levy tax sufficient with other funds to keep schools open at least eight months each year. (*House Jour.*, 1851, 30; 1852, 20-21; 1853, 14) Governor Dutton (1854) called attention of the legislature to the backward condition of the schools and recommended, among other things, a tax for school support. (*House Jour.*, 1854, 24-26) The first recorded instance of a governor sanctioning free schools occurred in 1855. Governor W. F. Minor, in that year, said to the legislature, "I shall cheerfully coöperate with you in making our common schools free; for such, in my opinion, the true policy of our government requires that they should be." (Reports to General Assembly, 1855, 7) The next year the same governor strongly urged a system of free schools.¹

The work of the Superintendent of Common Schools assumed a leading rôle. The general work of Barnard has been mentioned. His exact attitude towards the problems of rate-bills and free schools should be stated. In 1845, he was an unqualified opponent of rate-bills, and advocate for free schools. In 1851, he changed his attitude and advocated the use of rate-bills by districts and societies.² In 1853, he recommended, among other things, a tax equal to one-third the amount received from public funds, distribution of public money on attendance basis with a bonus of \$50.00 for bettering certain conditions, use of public

¹ "No argument is required to convince us of the absolute necessity of education for the masses—a necessity obviously greater now than in an earlier period of the existence of the State. If we could elevate the character of the State, sustain the intelligence of its citizens, promote virtue and morality, and add stability and permanency to its laws and institutions, we must furnish to all, without regard to their means, the rudiments of an education which will qualify them to be good and honest citizens, upright and honorable rulers.

"I do not refer to a system which enables a portion of our children, and only those whose means will admit to attain to a higher degree of excellence in intellectual culture and scientific attainment, but to that system of public instruction which will be free and accessible to every one, whatever his condition or circumstances may be; such system will conduce to make a virtuous and intelligent population eminently essential to the correct administration of law, for however well and guarded the laws of any community may be for the preservation of the rights of person and property, it is clear that those rights are inadequately protected, unless the tone of public sentiment is in harmony with the laws." (Reports to Gen. Assembly, 1856, 13)

² "Districts and societies should be authorized to establish a rate bill or tuition, to be paid by parents or guardians of children at school, graduated according to the class of school, and in no way oppressive to the poor, and diminishing to each family according to the number of children attending school the same term." (Conn. Rept., 1851, 47)

money for salaries only, districts raising a tax of 25 cents per pupil to receive an equal amount from the income of the Town Deposit Fund, and again recommended the use of rate-bills and tuition.¹ The same year he advised the people of Thompsonville to use rate-bills.² In 1850, Mr. Barnard, in describing a high school said, "A public high school is not necessarily a free school. It may be supported by a fund, a public tax, or an assessment or rate of tuition per scholar, or by any combination of these modes," and then in a lengthy statement he urged the establishment of such schools. (Conn. Rept., 1850, 25-32)³

In 1855, Mr. Philbrick, as superintendent, took up the discussion of rate-bills. Referring to the rate-bill statute, he said the he regarded it "as the most objectionable feature" of the school law. In a circular to school visitors, sent out the same year, he again condemned the rate-bill system and urged taxation. (See Appendix for Philbrick's statements) In 1856, Philbrick published in his report Horace Mann's article on free schools. This may have served to counteract the effect of Barnard's change of attitude. The sentiment which had been gradually forming found expression in a memorial sent to the legislature by the State Teachers' Association, in 1855. This memorial asked for twelve important changes in the school laws, among which were the following: (1) distribution of school fund income on basis of average attendance and approved school-houses; (2) abolition of districts of less than 20 children; (3) introduction of industrial training in schools; (4) change in con-

¹"Every school district, or district committee, when authorized by the district, may establish a rate-bill or tuition, to be paid by the parents or guardians of the children attending school, and graduate the same according to the grade of school which the child may attend; provided, that the rate shall be fixed before the opening of the school in any term; and provided further that the sum to be paid shall not exceed one dollar for a term of three months, or in that proportion for the year in any grade of common schools; and provided also, that no child shall be excluded from any common school, to which he would be otherwise entitled to attend in consequence of the inability of his parents or guardians to pay any school tax or rate." (Conn. Rept., 1853, 169-171).

²"This might be raised by a rate-bill, payable by the parents or guardians of the pupils, of one dollar for each, and the balance should be raised by a tax on the grand list of the district, as is now provided for by law. The rate-bill should be so small that the poorest family can pay it cheerfully, and it should be collected in advance." (Conn. Rept., 1853, 73-74)

³The reasons for Barnard's position appear in a discussion between himself and George S. Boutwell, at a meeting of the American Institute of Instruction at Springfield (Mass.), August 19-22, 1856. The gist of this discussion is given in the Appendix.

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trol by societies; (5) public to furnish text books for children of poor; (6) a commission to revise the school laws; (7) "To amend the law relating to the mode of supporting schools so as to abolish rate or quarter bills altogether, or provide that the amount shall be determined before the opening of school, and to be collected in advance." This was signed by Henry Barnard, E. F. Strong and E. B. Huntington representing the Association. (*Com. Sch. Jour.*, 1855, 309-311)

When the legislature convened in 1856, action resulted in the appointment of a commission to codify the school laws. In the meantime, the people of Fairfield County had passed resolutions asking for free schools. (*Com. Sch. Jour.*, 1856, 118) The legislative commission made a series of recommendations, including taxation and free schools. The State Teachers' Association declared by resolution that "while we approve, very generally, of the proposed changes and amendments, we regard with special satisfaction those proposing the establishment of school libraries and free schools." (*Com. Sch. Jour.*, 1856, 188)

The school code of 1856 resulted, but it was a disappointment in some respects. It abolished school societies and transferred their duties to the town and district; it established a one-mill state tax for schools, and enacted another rate-bill statute. So after years of careful planning, of hard work, of creation of favorable opinion, the hope that schools would be made free was blasted. What seemed to be almost certain victory turned out to be a partial and temporary defeat.

THE MOVEMENT FOR FREE SCHOOLS, 1856-1870

Notwithstanding the temporary defeat of 1856, from that time three lines of development continued. Discussion and agitation continued to create favorable sentiment. School support continued to develop, and schools, in larger numbers, became free. The development of favorable opinion will be considered first.

The Development of Favorable Opinion among School Visitors

From the visitor of New Canaan came the following:

"The visitor is very sensible that the *great evil* of the system lies in the practice of raising money by tuition bills, made out according to the time of pupils' actual attendance; thus virtually paying a bounty on absences." (*Conn. Rept.*, 1855, 105)

The visitor from New Haven reported that rate-bills had been used for many years, particularly from 1835 to 1849. However, then the city was levying taxes for schools. (Conn. Rept., 1856, 61) The visitor at Plymouth (1857) said:

"There are at least 150 children within the limits of this school society, between the ages of 4 and 16, that have not attended either a public or private school during the year, for until our public schools are *free* to all, many youths of poor parentage will grow up in ignorance and vice, and not only they but the community will suffer a loss which money can never repair." (Conn. Rept., 1857, 65)

This referred to conditions in 1856, for there were no school societies in 1857. Bridgeport reported that rate-bills were abolished. (Conn. Rept., 1859, 90) In 1856, Voluntown had appropriated the one-half of the income from the Deposit Fund which was not granted to the schools by law, to the use of the schools, in order to evade levying the one-mill tax required by the new law. The school visitor, in commenting on this action said: "We say it to their shame . . . if there is a town in old Connecticut that needs enlightenment on common schools that is Voluntown." (Conn. Rept., 1855, 90)

In 1860, expressions concerning the question of free schools and related problems appeared as follows: Chatham—people unwilling to tax themselves for better schools; Middlebury—abolish rate-bills and establish taxation; Orange—our people encourage shifting of teachers because it is cheaper and it relieves them from taxes; Seymour—establish free schools, by property taxation, extensive enough to enable a poor boy to enter the University; Windsor—"Rich men have very often, by a narrow and mistaken policy in regard to schools, depressed and damaged their property"; Thompson—a healthy interest in better schools exists; Bridgeport—too many small, weak districts, and poor private schools; New London—free education is most economical. (Conn. Rept., 1860, 69, 72, 75, 77, 79, 80, 93, 94)

In 1861, the superintendent of common schools asked the visitors, "Is any further legislation, in your opinion, necessary to promote the interests of common schools?" Twenty-eight replied that no legislation was necessary. "Of those which recommended an alteration in the law, the greatest unanimity was upon the subject of free schools." Chester, Clinton, Colchester, Colebrook, Kent, Middlebury, Norwalk, Plymouth, Redding,

Rocky Hill, Stafford, West Hartford, and Woodbury were included in the list—thirteen in all. Nine recommended a better law for the distribution of public money. (Conn. Rept., 1861, 36–44)

In 1852, the superintendent asked the visitors, “What in your opinion is needed to make our common schools more efficient?” Bloomfield, Bridgeport, Brookfield, Durham, East Hartford, Madison, Norwalk, and Stamford directly recommended free schools. Several others recommended increased taxation as a means of school support. (Conn. Rept., 1862, 12–21) Their reports were not published in 1863. In 1864, only three or four published reports recommended increased taxation and free schools. (Conn. Rept., 1864, 73–104) In the published reports for 1865, the following towns recommend free schools: Canterbury, Huntington, Meriden and Putnam. Some few others urged more taxation. (Conn. Rept., 1865, 43–83) In 1866, the following condemned either rate-bills or advocated free schools: Barkhamstead, Colebrook, Cromwell, Litchfield, Oxford, Stamford, Torrington, and Watertown. Cromwell and Litchfield reported their schools practically free, and Torrington reported that one district had levied tax to make its schools free. (Conn. Rept., 1866, 183–223) In 1867, Bridgeport, Danbury, Morris, Oxford, Redding, and Southington, recommended either increased taxation or free schools, while many others condemned the system of small, weak districts, and urged consolidation. (Conn. Rept., 1867, Appendix B) In 1868, either more free school sentiment existed, or more of the reports of these men were published. The following list includes towns whose visitors recommended free schools or support by taxation: Bridgeport, Canterbury, Danbury, Darien, Farmington, Haddam, Lebanon, Meriden, New London, Norfolk, Salisbury, Stafford, Stonington, and Oxford. Others urged consolidation. Of the above list Bridgeport, Danbury, Lebanon, and Stonington presented lengthy arguments to support their recommendations. In harmony with this was the report from Middlefield that the town had voted to levy a “tax of *one mill* on the dollar for school purposes instead of *four-tenths of a mill* as required by law.” (Conn. Rept., 1868, Appendix LIII–CXIX) It is believed that this description does not represent adequately the free school sentiment among the visitors, for when asked directly they responded well, and still further, it

is known that only extracts from their reports were published from year to year. In spite of these facts, the evidence shows that there was considerable development of free school sentiment among these men.

The School Fund Commissioner and Free Schools, 1856–1870

This official occupied a position in which valuable information was constantly accessible. It was possible to use this to create public opinion. Each year he published a statement concerning the status of the fund. But not until 1868, did he speak about free schools. That year, Commissioner G. A. Paine urged the establishment of free schools and property taxation for school support. (Conn. Leg. Doc., 1868, Rept, Com., 5)

The Governor of the State and Free Schools, 1856–1870

In 1859, Governor William A. Buckingham, after setting forth the practices used in supporting schools said that "the policy of sustaining our schools by a tax on property is gaining favor, and may be regarded as nearly established." (Reports to Gen. Assembly, 1859, 6–7) How near he was to the truth is shown by the following facts, computed from Tables II, III, and IX (Appendix). The School Fund contributed \$1.30 per pupil, rate-bills produced \$.37 per child, local taxation, required and voluntary, produced \$1.49 per pupil, and but 252 districts out of 1,624 levied taxes. A year later (1860) he spoke a little more accurately: ". . . 252 districts have established free schools—voluntarily laid a tax on property. . . . This number, I am confident would be increased, if the subject were, by law, brought before each district for consideration at its annual meeting." (House Jour., 1860, 25–43; Senate Jour., 1860, 23–40) In 1863, Buckingham referred to this matter again. During 1860–1870, all of the governors—Buckingham (1860–1865), Hawley (1866), English (1867–1868), and Jewell (1869) had something to say about the general educational situation. But it was not until the legislative session of 1868 (May 6) that one of them—Governor English—finally spoke directly concerning rate-bills and free schools. His words were as follows:

"The board are unanimously of the opinion that the rate-bill system should be abolished, and the schools sustained at the common expense. It is certainly desirable that all the schools should be under a uniform system, and

the fact that the free school plan has been generally adopted throughout the State, while the rate-bill system is becoming rather the exception than the rule, renders the change an easy and practicable one at the present time. The very idea connected with a common school is, that it should be free, or supported at the common expense, while the rate-bill is essentially a tuitional charge. The Report will be before you and I commend the several recommendations therein urged to your favorable consideration." (Conn. Rept., 1868, 70; also Senate Jour., 1868, 44)

Governor English also served on the committee "to stand as the representative of the friends of the public schools." (Conn. Rept., 1868, 119) Such was the record of the governors of the state up to 1868.

The State Superintendent and the State Board of Education and Free Schools, 1856-1870

In 1857, Mr. D. N. Camp became superintendent, and in his report for 1858 he attacked the system of school support and argued for free schools. He said the number of free schools districts was increasing, and that such districts had better schools. Yet he felt that it was not quite time to have an obligatory free school law. He called attention to the laws for school taxes which then gave permission to make schools free, and stated that gradual development under such laws was more stable and satisfactory than to force people to make their schools free. (See Appendix for complete statement from Conn. Rept., 1858, 11-13) In 1859, concerning free schools, he said:

"During the past year a large number of the common schools have been made free schools. . . . It will be found, almost without exception, that where the system of making the schools free by a property tax has been adopted, the schools are better, more permanent in their arrangements and more regularly attended than in those districts where rate-bills are still collected." (Conn. Rept., 1859, 36)

In 1860, after reviewing the various enactments on rate-bills, he recommended that the subject receive the attention of the Assembly, but that the present law be changed as little as possible. (Conn. Rept., 1860, 42-45) In his report for 1861, he reviewed the whole question of school support and free schools (pp. 26-35), pointed out the difficulties of the rate-bill system, and stated that "of the 54 towns whose school visitors recommended some alteration in the law, the number that recommended a law requiring free schools was greater than that advocating

any other alteration in the law." Said he, "I do not deem it necessary to submit in connection with these facts, any argument in favor or against the system of free schools." He also sent a circular to the school visitors asking what changes they thought advisable in school laws, and published their replies. (pp. 36-44) The next year, Mr. Camp asked again of the school visitors, "What is needed to make our common schools more efficient?" and published their replies. (Conn. Rept., 1862, 12-21) He himself had nothing to say directly about rate-bills, or free schools. The next year, 1863, he discussed the various items of school support briefly, pointing out that some districts had free schools because they received enough from the income of funds to make them free for the required term with a cheap teacher. He collected statistics of attendance and showed that 9,213 pupils were attending private schools, many of whom were under 16 years of age, while "more than ten thousand of the children enumerated between 4 and 16 years of age are in no school whatever for any portion of the year." He reviewed the existing school laws, showed that less than half of the districts used rate-bills, and by concrete illustrations showed the evil results of the small district system. (*Ibid.*, 1863, 9, 11-12, 44-51) The next year he said that more difficulty was encountered in collecting the rate-bills than all of the local taxes, and argued for public taxation for high school support. (*Ibid.*, 1865, 8, 29-30)

A year later Mr. D. C. Gilman became secretary of the newly established board of education. He published quite a complete list of agencies of secondary education, public and private—a fair picture of free and tuition schools of that grade. The district system in its glaring deficiencies was opposed. He gave the first concrete and valuable facts about the evils of non-attendance and child labor. The adoption of the high school, free or nearly so, was also advocated. (*Ibid.*, 1866, 33, 43-54, 70-83, 89-93)

In 1867, the Rev. Birdsley Grant Northrop came upon the scene and was soon engaged in a campaign for free schools. His first report (1867) followed much the same form as that of Mr. Gilman and published about the same type of information. He at once organized at his office a real "State Educational Bureau" of information. In order he discussed the following problems:

1. Evils of the System of the Small School Districts.
2. Education for the Neglected—Employment of Children in Factories.
3. *Support of Schools by a Tax on Property.*
4. The Value of Graded and High Schools.

Under the third heading he recommended the abolition of all rate-bill laws, and the increase of the town tax to make the schools free. (*Ibid.*, 1867, 75, 86-89) The next year, the campaign was led by Mr. Northrop to a successful issue. In his lectures in the state that year, two of his subjects were rate-bills and free schools. He showed that the "percentage of average attendance in summer is but 43.25 and in winter only 47.25 per cent. Less than one-half of the children of the state are found—in our public schools." His first remedy recommended was to abolish the "odious rate-bill." He published the resolution of the Hartford Ministerial Association asking for free schools and property taxation. He gave thirty-three pages to a discussion of the rate-bill and printed the seventeen letters of state superintendents concerning rate-bills and advocating free schools. These letters came from the following states: Michigan, Maine, Ohio, New York, New Jersey, Illinois, Indiana, Iowa, Wisconsin, Kansas, Kentucky, Missouri, West Virginia, Pennsylvania, New Hampshire, Rhode Island, and Massachusetts. Not one writer among the seventeen favored rate-bills, and their statements, published throughout the state, surely helped to create favorable opinion. (Conn. Rept., 1868, 13, 17, 25, 37-71) The letters came in response to the following questionnaire:

1. Are your public schools free, or supported in part by a rate-bill?
2. If free, how long have they been so?
3. What is the effect of *free* schools, compared with tuition schools, upon attendance, the interest of parents and the public at large, and upon the general efficiency of the schools?

From the letters Mr. Northrop formulated the following conclusions:

1. Many states copied the rate-bill from Connecticut.
2. All these, with one exception, have given it up.
3. The results of the change are favorable, and meet universal approval.
4. No state that has once tried the *free* system has since adopted the rate-bill.
5. The *free* system greatly increases the whole number in attendance.
6. The free system elevates and dignifies the school, in the esteem of the pupils.

7. It lessens tardiness, irregularity and truancy, and thus increases average attendance.
8. It enhances the interest of parents.
9. It quickens the educational spirit of the whole people.
10. It has tended to lengthen the school terms.
11. It has led to the erection of better schoolhouses.
12. It economizes the expenditure of money, securing a better result for the same cost.
13. The rate-bill is a source of trouble and strife.
14. It is burdensome and odious to the poor, imposing an unequal tax upon those more blessed with children than in their basket or store, becoming a tax upon parental affection, and a barrier between poverty and intelligence.
15. The *free school* tends to break down invidious distinctions and to fraternize people.

Some of these conclusions are hardly justifiable upon a basis of the letters, but they may have served well as campaign material. Mr. Northrop's own discussion of rate-bills, apart from that above, included the following:

1. The rate-bill is the greatest hindrance to improvement in schools.
2. It is wrong in principle.
3. In practice, it causes strife, ill-feeling, difficulties in collection of tuition, decrease in attendance, divides districts into factions, and keeps those unable to pay out of school almost entirely.
4. It tends to make paupers of honest working people unable to pay the tuition demanded.
5. It makes the state an undesirable place for people to reside.

Mr. Northrop published resolutions of various associations asking for free schools, and discussed evil influence of private schools and the conception of "pauper schools."

The new state board of education urged consolidation in their first report, and in the second argued at length against rate-bill schools because they tended to produce undemocratic racial distinctions in a democratic state. (Conn. Rept., 1866, 12)¹ One

¹"No man surely ought to suppose that the State designs to create or foster distinctions among the citizens, by a system of public education which is sustained by public funds, the common treasure of all. And it is obvious that that would be the effect, whether it was the design or not, if it were generally understood that the public schools of the State were maintained for the instruction of the poor, and were not, also, intended for those who had the pecuniary ability to educate their children. Such a theory would make all the public schools institutions of charity, like alms-houses and hospitals for the insane poor, and if it were generally recognized as the true theory, it would inevitably bring the schools into contempt with the very class for whom they were designed, and they would abandon them in scorn. Such a theory would be

member of this same board, speaking semi-officially before a teachers' institute at Bridgeport, argued for the same view, but with different analogies. (See Appendix)

Development of Favorable Opinion as Shown by Voluntary Associations, 1856-1870

As early as 1827, a society "for the improvement of common schools" was organized at Hartford. It appointed a committee (1827) to investigate the needs of the common schools. Barnard spoke of this as the first organization of its kind in the United States. Again, in 1830, a convention of "Teachers and Friends of Education" was held at Hartford. One speaker advocated a required local tax for every school. (Conn. Rept., 1853, 154)

In 1848 occurred the establishment of free teachers' institutes as has been described. These were held each year for at least one week in from ten to sixteen places in the state. During the time when the agents of Barnard and Philbrick were campaigning the state, several voluntary organizations were effected, and a series of county organizations proposed. At least two county organizations were heard from afterward. One of the most interesting documents of this period is the petition sent to the legislature "Adopted at a Convention of the School Committees and Friends of Education in Tolland County, held at South Coventry, on the 14th of May, 1851." (See Appendix) This petition called for taxation for schools and total abolition of rate-bills, a better administration of the income of the school fund, and declared the educational advance was dependent upon the changes they suggested. Another county organization was the "Windham County Educational Association." It held its ninth annual meeting in conjunction with a teachers institute at East Woodstock, September 24, 1857. A committee recommended that men and women prepare essays on the various phases of the subject, "Education for the entire people." It

inconsistent with the spirit of republican institutions, and would necessarily yield before the prevalence of true democratic principles. A democratic community would obviously be untrue to itself, which should not aim, so far as its public acts could have a bearing on such results, to obliterate the artificial distinctions of society by bringing all the citizens nearer to an elevated equality. And if it is proper to maintain, by the public treasure, a system of public courts of justice, for the free use of all classes of citizens in the State, it certainly cannot be wrong to have a similar understanding in respect to the public schools which are supported in a like manner." (Conn. Rept., 1867, 1-2)

stated as its object "to promote, by all means, the elevation and improvement of our Common Schools throughout the County and the State." Its membership included some teachers. (Conn. Rept., 1858, 104)

General public conferences were held concerning the furtherance of popular education at Hartford, New Haven and Meriden. At one of these meetings a committee was named to "stand as the representatives of the friends of the public schools." It was composed of L. P. Waldo, Gov. J. E. English, Gen. J. R. Hawley, John D. Ferguson and Henry M. Cleveland of the General Assembly, Francis Gilette, Rev. Horace Bushnell, F. F. Barrows (president, State Teachers Association), Henry P. Haven, Rev. J. Cummings (president, Wesleyan University), Professor William W. Niles of Trinity College, D. C. Gilman, and Henry E. Sawyer (principal, high school, Middletown).

This committee met at Meriden, November 8, 1867, and selected an executive committee composed of D. C. Gilman (New Haven), H. M. Cleveland (Brooklyn), J. D. Ferguson (Stamford), H. E. Sawyer (Middletown), F. F. Barrows (Hartford), and B. G. Northrop, secretary of the state board of education, and "it was determined to request the clergymen of all denominations in the state, to address their congregations on the principles of public education." This request was very generally complied with. Many of these discourses were printed, or repeatedly delivered. So far as known, all of them avoided any sectarian aspect of the subject. At one of these conferences, a platform was adopted setting forth the sentiments of the friends of public education. Persons present included members of the General Assembly, an ex-governor, superintendents of schools of New Haven and Hartford, D. N. Camp, D. C. Gilman and *Henry Barnard* representing the state department; two editors and others. Others not present, wrote letters expressing approval and coöperation.

The platform of this committee was adopted by the State Teachers Association at Meriden, 1867. This platform demanded, among other things, property taxation for school support, free schools, high schools, consolidation and continued work until these aims should be attained. (See Appendix for this platform) The general platform of the committee was in harmony with the one adopted by the State Teachers Association.

(See Appendix) The subject of free schools came before the State Teachers' Association several times. The matter was discussed and referred to committees to give further consideration. In 1861, the committee was instructed to bring this subject before legislature. (Conn. Rept., 1861, 26)

A "Common School Association was organized at Enfield for the purpose of bettering education." (Conn. Rept., 1866, 191) Teachers' institutes continued to meet under the provisions of the state law. They served as a means of increasing favorable sentiment among teachers and patrons.

The Hartford Ministerial Association, about 1867, sent a memorial to the legislature urging the establishment of property taxation for schools, consolidation of schools, and urged schools "good and free" for every child in the state. (See Appendix)

Miscellaneous Evidences of Favorable Sentiment

As early as 1853, the Rev. W. A. Goodrich, of Bristol, delivered a sermon, "A Plea for Increased Means of Education." It was later repeated by Rev. Goodrich and also published. Sections of it were published in the School Report for 1853. He declared that there were no real free high schools in the state, that Connecticut was not equal to Massachusetts in supporting schools, and made a strong plea for more school support. (Conn. Rept., 1853, Appendix, 87-92)

Daniel C. Gilman, formerly secretary of the state board of education, was the author of an article which was republished by his successor in 1868. Under the title, "What sort of schools ought the state to keep?" he discussed many conditions. He urged free schools, taxation for schools and abolition of rate-bills. (*New Englander*, Jan., 1868. Conn. Rept., 1868, Appendix, CXXXVII)

Some general newspapers published articles favorable to free schools, and the Connecticut *Common School Journal* circulated throughout the state. The *Union*, Middletown *Advertiser*, *Christian Secretary*, *Windham County Telegraph*, Norwich *Examiner*, New Haven *Register*, Norwalk *Gazette*, New Haven *Journal*, *The Palladium*, Willimantic *Herald* and the *Religious Herald* are known to have published some articles and editorials favorable to free schools before and after 1856. (Conn. Com. Sch. Jour., 1856-1868)

The *Common School Journal* contained considerable material, editorial and otherwise, relative to free schools, rate-bills and related matters. Both sides were discussed in these articles. (See Appendix)

Actual Development of Free Schools, 1856-1870

Before 1856, some few communities had established free schools. Hartford had free schools before 1850. In 1853, Mr. Barnard described the development of schools in urban communities and named the following as then having free schools: New Haven—schools “free to all”; New London—“like New Haven she has done with the collection of rate-bills. . . . The people of New London have adopted the principle of property taxation for all necessary purposes”; Collinsville—“It is a free school”; Norwalk—“children of all classes . . . enjoying the same privileges”; and Norwich, to which reference has been made. (Conn. Rept., 1853, 6-10) Further evidence as to New London appeared in the report of the visitor for 1858. The school support included the following: School Fund, \$2,968.00; Town Tax, \$3,000.00; Former Society Funds, \$106.00; Deposit Fund, \$687.63. “Any further expenses of sustaining the schools have been borne by taxation within the districts.” (Conn. Rept., 1858, 82) Consolidation and beginnings of taxation for schools were reported 1854-1855 for the following: Bristol, Bridgeport, Plymouth, Hollow, West Killingsly, Farmington, Naugatuck, Stonington, Southport, Fair Haven, Birmingham, Meriden, New Hartford, and New Britain. (Conn. Rept., 1854, 107; 1855, 12)

The status of the cities of Connecticut in 1857 was described thus:

“There are seven cities in Connecticut. Instead of uniformity, four of these cities are divided into distinct independent districts, each under the management of a district local committee. . . . In two cities the districts are consolidated with one board of finance officers. . . . In one city, a portion of the districts have been consolidated into one, while another portion still remains separate. There is also want of uniformity in the system adopted in the larger villages.” (Conn. Rept., 1857, 8-9)

During the same year, the following towns had high schools: Hartford; Middletown; Bridgeport; New London had a high school for boys and one for girls; New Haven had high grade grammar schools; and Norwich had just opened its endowed free academy. Middletown claimed the oldest high school in

the state. In some towns where districts had united, high school work had just begun. (*Ibid.*, 9-13) The dates of founding of the high schools, as given by Steiner, are: Middletown, 1841; New Britain, 1850; New Haven, 1859. (Ed. in Conn., 56) He should have added Hartford (1847) to the list. The status of free schools in urban communities in 1861 was described by the superintendent as follows:

"All the cities of the state, with one exception, several of the manufacturing villages, and many agricultural districts have adopted the system of free schools." (Conn. Rept., 1861, 35)

Of unique importance was the establishment of Norwich Free Academy. This was created by act of the legislature in 1854, by the establishment of a self-perpetuating body of trustees. (Conn. Rept., 1857, 77-107; 1861, 19. Steiner, 53-56. *Am. Jour. of Ed.*, II: 664; III: 190) This was an endowed free school. Concerning such schools, a divided opinion existed. Hon. G. S. Boutwell declared that "These institutions are public in their use, but not in their foundation or control, and are therefore not public schools. (Brown, 318-321) A public school, in his view, was one used by the public, established, controlled, and supported by the public.

In 1866, the schools of Wolcottville district of the town of Torringford, and of the town of Cromwell were reported as free schools. Cromwell voted a tax to "equal the amount which would otherwise be assessed on the scholars, and thereby to make our schools free." (Conn. Rept., 1866, 187, 212) The same year six town and twelve district high schools were reported. No direct evidence is given as to their support. (*Ibid.*, 45-46)

In 1867, the secretary of the board conducted a study of this field. The *free* secondary schools which he found, and their enrollments are here given.

School	Enrollment
1. Branford, senior department of a graded school	55
2. Bristol (same)	75
3. Bacon Academy	95
4. East Hartford High School	250
5. New Haven High School	217
6. Hartford High School	225
7. Middletown High School	139
8. New London, Boys' and Girls' High Schools	120
9. Norwich Free Academy	91
10. Stamford	40
11. Torrington	51
12. Waterbury	100
13. Windham	100

Besides these, four schools were reported—Cromwell, Griswold, Montville and New Britain—about whose support no definite information was given. The “Staples Free School” charged tuition. In contrast with this there were reports from sixty private schools, supposed, in many cases, to be secondary schools, in which the enrollment varied from 23 to 114. (Conn. Rept., 1867, 54–66) In 1868, the “First School Society of Wethersfield” had a high school, attended by children from six districts. The support came from the income of a donated fund and taxation. (Conn. Rept., 1869, 202) In the spring of 1866, there was a controversy about continuing the high school established in 1857. It went to a popular vote. “It was decided by a vote of 1,170 against 479 that the high school should be maintained.” (Conn. Rept., 1867, 90)

It is possible to indicate the comparative degree of free school development from the number of districts having free schools. Districts having schools not supported in any way, by rate-bills or tuition, would be free school districts. From Table II (Appendix), these districts are estimated from 1855:

1855.....	699
1856.....	776
1857.....	979
1858.....	838
1859.....	1,033
1860.....	846
1861.....	900 ¹
1862.....	955 ¹
1863.....	1,010 ¹
1864.....	1,065 ¹
1865.....	1,124
1866.....	1,175 ¹
1867.....	1,225 ¹

If these estimates are approximately true, the law of 1868 would have had effect upon about three hundred districts, the others being free at that time.

The degree to which rate-bills were used indicates the degree to which schools were not entirely free. By comparing with total school support, year by year, it is possible to ascertain how much was contributed from types of school support used to make schools free. Again referring to the data in Table II (Appendix) the following percentages are computed:

¹ Figures interpolated.

	Rate-bills Per cent.	Free School Support Per cent.
1856.....	10	90
1857.....	11	89
1858.....	12.7	87.3
1859.....	9.8	90.2
1860.....	10	90
1861.....	9.2	90.8
1862.....	8	92
1863.....	7.3	92.7
1864.....	8	92
1865.....	11	89
1866.....	13.6	86.4
1867.....	12.7	87.3
1868.....	14.1	85.8

This table shows that from 1856 to 1868 approximately 90 per cent. of the school support came from other sources than tuition and rate-bills. It also shows a real increase in the use of rate-bills beginning in 1865. This might be accounted for in two ways: First, a real increase in the number of districts using rate-bills, regardless of increase in total school support; second, an increase in school expenditures.

The increase in total support from 1865 to 1868 was over 100 per cent. This seems to show that the increase in rate-bills did not mean more schools and districts using rate-bills; but more money was needed and the rate-bills were made larger.¹ Of course, such bills could not exceed the limits set by law.

These evidences indicate that the general trend was toward the gradual establishment of more free schools. The town tax law of 1868, or the first law requiring free elementary schools, undoubtedly made most all schools free. Although there was some opposition to it, the compliance with its provisions was very general. However, three other enactments relative to free schools were soon made. By an act of August 1, 1868, it was provided that:

“The public schools of this state shall be open to all persons between the ages of 4 and 16 years, and no person shall be denied admittance to and instruction in any public school in the school district where the person resides, on account of race or color, any law or resolution of this state heretofore passed to the contrary notwithstanding.” (Conn. Rept., 1869, 218)

The nature of this law shows it to be a reaction of the Civil War.

A year later (1869) a new law was enacted. It combined the features of taxation and distribution in one law and made other

¹Conflicting evidence is given in Tables VI and VII, Appendix.

changes. Its main features were: (1) retention of the town as the unit for handling the School Fund income, income from Deposit Fund, and taxation; (2) towns were required to appropriate the income from the two funds and enough more to make the schools in all districts free, in no case less than a one-mill tax; (3) towns failing to provide such support were subject to a fine equal to the amount they should have raised; (4) in order to receive this support districts must maintain schools thirty weeks each year, employ qualified teachers, make return of statistics, and the schools must each have an average attendance of at least five pupils; (5) in case districts found the expenses greater than the support thus provided, they must provide the added support by a tax.¹ Some objections were made to this law, and

¹ The free school law of 1869 was as follows:

Sec. 1. For the purpose of maintaining free schools in this State, each town shall, at the annual town meeting on the first Monday of October in each year, appropriate a sum of money equal to the total of the following amounts, *viz.*: The amount received by the town the year next preceding, from the Connecticut Common School Fund: the amount so received from the Town Deposit Fund, and such additional amounts as shall be deemed sufficient by the legal voters in said meeting assembled, to make the schools free of expense to the districts of the town, for the period of at least thirty weeks, of not less than one mill on the dollar, on the grand list last made and perfected. And the amount so appropriated shall annually, on or before the fourth day of March, in each year, be distributed, under the supervision of the joint board of selectmen and school visitors, to the several districts as follows, *viz.*: There shall be paid to each whole district, where a district lies in two or more towns, its proportionate part of sixty dollars according to the enumeration last made and the remainder of said appropriation shall be divided among the several districts according to the aggregate attendance of the scholars, in days, for the year ending on the 31st day of August, 1870, no district shall receive any part of the money so appropriated, unless the school in said district has been kept by a teacher duly qualified, for at least thirty weeks during the year ending Aug. 31st, next preceding such appropriation, nor unless the returns hereinafter required shall be duly made.

Sec. 3. If any town shall neglect to appropriate such sum of money in the manner, and within the time limited in the preceding section, or shall fail to distribute the same, according to the provisions of said section, such town shall forfeit to the state a sum equal to the amount which it was the duty of such town to appropriate, as aforesaid, to be recovered by the treasurer of the State, in an action founded thereupon.

Sec. 6. If the expenses of any district for school purposes shall exceed the amount appropriated by the towns, such excess shall be defrayed by a tax laid by the Legal voters of said district, in a meeting duly warned, upon the property and polls of said district.

Sec. 7. The income of the Connecticut Common School Fund, when received by the several towns, shall be paid into the town treasury, and the income of the Town Deposit Fund shall also annually be paid into the treasury of the several towns in part payment of the amount appropriated for schools under the first section of this act. No town shall be compelled to maintain a school in, or give any money to a district which during the preceding school year has had an average attendance of less than five scholars. (Conn. Rept., 1870, 244-245)

in 1870, another was enacted. By this the towns held the same functions as before. Districts having an enumeration of twenty-four or more must keep schools for thirty weeks, and smaller districts twenty-four weeks each year in order to obtain town and state support. Schools maintained longer than the minimum term might be supported by "voluntary contribution or tuition." Added expense incurred by a district in any other manner was to be paid by a tax levied by the district. Similar provisions as to forfeiture for non-compliance were retained.¹

EXTENSION OF FREE SCHOOL PRINCIPLE SINCE 1870

By 1870, common schools were free for thirty-two weeks in a year in a majority of the districts, and twenty-four weeks in others; the Sheffield Scientific School was giving free instruction to a few students of agriculture and mechanical arts, and

¹ Sec. 1. For the purpose of maintaining public schools in this state, each town shall annually raise by tax on the Grand list of the town, in connection with the tax levied for other town purposes, and shall appropriate for the support of its public schools a sum of money which, together with the income from the Connecticut Common School Fund, and the income from the Town Deposit Fund, and the income from any other fund which may be appropriated for the support of schools, shall be sufficient to pay the wages of teachers, the cost of fuel and the incidental expenses of the public schools of the town for at least thirty weeks of each year, in every district in which the number of persons between four and sixteen years of age at the last enumeration was twenty four or more, and for at least twenty four weeks of each year in every district in which the number of persons at said enumeration was less than twenty four.

Sec. 6. If any district maintains a school of higher order than is required by law of the State, and thereby incurs increased expense for its school; or if any district shall continue its school for a longer time than is provided for at the expense of the town according to the first section of this act; or if any district shall expend for teachers' wages or other purposes a sum which the aforesaid joint board deem unnecessary and extravagant, the cost of such school, above the sum received by such district from the town treasury shall be paid by a tax laid by the legal voters of said district, in a meeting fully warned, upon the property and polls of said district. Nothing, however, in this act is to be construed as forbidding the payment of additional expense of continuing any longer than the time required by law, by voluntary contribution or by tuition charges.

Sec. 7. No town shall receive any money from the income of the Connecticut Common School Fund for any district, unless the school in such district the preceding school year was kept according to law at least thirty weeks in each district in which the number of persons between four and sixteen years of age at the enumeration made within said school year was twenty four or more, and for at least twenty four weeks in each district in which the number of such persons at said enumeration was less than twenty four.

Sec. 9. If any town shall neglect or refuse to provide for the maintenance of its schools according to the provisions of the first section of this act, such town shall forfeit to the state a sum equal to the amount which it was the duty of such town to raise and appropriate as aforesaid, to be recovered by the Treasurer of the State in an action founded thereupon. (Conn. Rept., 1871, 210-212)

the principle of free tuition in the Normal School was established. At various times (1884, 1888, 1889, 1895, 1897, 1899) the free common school law was changed. In 1910, such school must be maintained "at least 36 weeks in each year in every town and district." But no school was required in a district with less than 8 pupils. Further the schools were opened to all children by the vote of any board of education "over four years of age." This was in fact extending free school privileges to the age of twenty-one years. By acts of 1886, 1888, 1889, legislation concerning kindergartens was enacted. In 1910, any town or district could "establish and maintain kindergartens which shall be open to children over three years of age." By act of 1907, towns were authorized to vote on the question of free text-books. Under a similar act of 1905, 72 towns voted "yes" for free text-books and 45 "no." By act of 1903, every town in which a school is discontinued must furnish school accommodations, by transportation or otherwise, for all children within said school between the ages of 7 and 16. (Conn. Sch. Doc. No. 10, 1911, 17-20, chap. III) By act of 1897 "any town in which a high school is not maintained shall pay the whole or any part of the tuition fee of any child who resides with his parents or guardian in said town, and who, with the written consent of the school visitors, or town school committee, attends a high school in another town, provided that the high school shall be approved by the state board of education. Any town paying out sums for tuition in this manner will be reimbursed to the extent of two-thirds of the amount from the state treasury. Such privilege is extended so the pupil can attend an approved private or endowed school. If the town itself does not maintain a high school, it must pay transportation expenses of pupils to other schools, and the state will reimburse the town to the extent of one-half the amount. (*Ibid.*, 26-29, chap. V) By a series of acts on evening schools culminating in one of 1909, all towns and districts of 10,000 or more population shall establish evening schools of common school grade, and on petition of at least twenty persons over fourteen years, add high school branches. Such work is free to persons over fourteen years of age. (*Ibid.*, 29, chap. VI) By act of 1909, the state board of education was authorized to establish in two towns in the state, "a free public day school and evening school, for instruction in the arts and practice of trades."

No person under fourteen years of age can be admitted. (*Ibid.*, 30-31, chap. VII) By act of 1888, the expense of schooling inmates of detention houses is paid by the county. (*Ibid.*, 31, chap. VIII) By a series of acts (1857, 1864, 1879, 1881, 1883, 1888, 1897, 1899, 1901), free school privileges are furnished defective, dependent and incorrigible children in the Connecticut School for Boys and the Connecticut Industrial School for Girls. (*Ibid.*, 104-110, chap. XXII) These enactments make the period of 1868 to the present, the period of free schools, supported without tuition fees, in Connecticut.

IMMEDIATE RESULTS OF ENACTMENT OF FREE SCHOOL LAW AND FREE SCHOOL CAMPAIGN

One of the objections to the rate-bill was that it decreased attendance. Did free schools increase attendance? The first free common school law was enacted in the summer of 1868. In the report for 1869, the secretary of the board claimed that the effect had been to increase the attendance. The figures following show the statistical record for the whole state.

ENROLLMENT AND ATTENDANCE, 1868-1871

	Per cent. of Enrollment in Average Attendance		Enumeration Children	Per cent. of Enumeration in 4-16 years	Per cent. of Average Attendance Winter
	Winter	Summer			
1868	71.3	70.8	120,884	47.2	
1869	72.41	71.36	123,650	48.11	
1870	73.13	71.40	124,082	52.15	
1871	71.10	70.14	125,407	53.35	

(Conn. Rept., 1868, 5; 1869, 11-12; 1870, 23-24; 1871, 15-15)

In 1870, Mr. Northrop interpreted his figures as follows: "They show that nearly 6,000 children were kept out of school by the rate-bill." (Conn. Rept., 1870, 29-32) The next year, he said, "The increase in the whole number registered the first term of free schools, as reported last year, was 6,208, and for the corresponding term now reported, 5,744, or an increase in two years of 11,952. How beneficent that legislation which has led nearly 12,000 children to school and thus to a higher future. The proof now before the public, that over 10,000 children were barred from school by the rate-bill, buries it beyond the possibility of resurrection." (*Ibid.*, 1871, 19, 22)

The following reports from visitors give their opinion regard-

ing increase of attendance for 1870. "North Bradford Town: Last year the average attendance was but 28 per cent. of the children enumerated; this year it is 53 per cent. Last year 26 per cent. of the children between 4 and 16 years of age attended no school; this year we have reduced this to 7 per cent. This is due mainly to the abolition of rate-bills." "Norwalk: Free school law is increasing attendance." "Wallingford: Percentage of children in the schools, this year, 94.6 per cent., last year, 90.8 per cent. The average attendance in winter has increased from 58 per cent. in 1867-1868, to 80 per cent. in 1868-1869." "Westbrook: The abolition of rate-bills has brought into our schools a class of scholars that would otherwise have been kept at home by reason of inability or unwillingness of their parents to pay for their tuition." "Windsor Locks: The *average attendance is much larger* now than at any time hitherto." "Bridgeport: The attendance is largely increased by the new law." "Colchester: Free school law, . . . rate-bills and tuition have not been a source of annoyance in this town." "New Milford: We are unable to see that it (free school law) has yet produced any flattering results." "Trumbull: The free school law . . . has not wrought out any of those blessings to the cause of education which its friends so confidently predicted." In 1869, the secretary said: "In one town, over 400 more pupils, and in a single district in Danbury 330 more are enrolled in the schools than ever before." (Conn. Rept., 1869, 18)

No one would claim accuracy for the statistics about yearly attendance, nor are the other evidences complete, yet the whole evidence seems sufficient to conclude that immediately following the laws of 1868, 1869 and 1870, *there was an increase in school attendance.*

Besides the matter of attendance, the enactment of the free school law called forth a number of expressions from various agencies in regard to such a policy. In the first place, the state board of education went on record as follows:

"The abolishing of the tuition charge, and the transfer of its burden from the individual parent to the property of the town and district, which was proposed in our report of last year, and urged by his Excellency, the Governor, in his message, was a radical change; but the cordiality with which it has been received by the people fully endorses the wisdom of the Legislature, which adopted it with unusual unanimity. The reports come to us from all parts of the State of a largely increased attendance of the children of those parents

who were unable, or more frequently unwilling, to pay charges for tuition, and while we have no sympathy with this last class of parents, we rejoice that their children need no longer suffer for this their parents' neglect. The form of the law might, however, be changed in some particulars, so as to make its provisions more clearly understood and distinctly defined." (Conn. Rept., 1869, 5-7)

Second, Governor Jewell, in his message of 1869, expressed belief that the free school law was "accomplishing the good results anticipated by its friends and originators." (Conn. Leg. Doc., 1869, 5, 10) Third, in 1871, both political parties of the state went on record in their platforms in favor of the free school system.¹

In the next place, two sets of expressions came from the school visitors, in both 1869 and 1870. Those for the first year have been quoted. Visitors from the following places spoke in glowing terms of the laws of 1868 and 1869: Bridgeport, Canterbury, Colchester, East Haddam, East Haven, East Lyme, Lebanon, Lyme, Manchester, New Canaan, North Branford, Norwalk, Putnam, Wallingford, Vernon, Westbrook and Windsor Locks,—seventeen in all. Their statements concerned increase in attendance, general satisfaction, and approval of schools supported by taxation. Still others reported increase in attendance. Such were Brooklyn, Groton, Guilford, Northford and Sharon. Some expressions of a different tone came also. From East Granby: "Our free school system will work well when our people fully understand the law." Litchfield reported that "the present school law does not meet the full approbation of the public." Southbury reported: "The new law has had a bad effect in our

¹Democratic Party's Resolution, adopted January 17, at Hartford. "Resolved, That the source of power being in the people, free schools and general education are essential to good government and the perpetuation of free institutions."

Republican Party's Resolution, adopted January 25, at New Haven. "Resolved, That general education is essential alike to the preservation and prosperity of the Republic, the source of thrift in peace, and power in war, the cheapest defense of the nation, the wisest police agency, seeking the prevention rather than the punishment of crime; that the wealth of the State consists in its men, in its treasures of mind; that education tends to economy, thrift, and virtue, while ignorance means waste and weakness, if not pauperism and crime, that it is the duty and interest of the State to secure a good common school education free to the children of all classes, the poor as well as the rich; that we commend the growing harmony and coöperation between labor and capital, and the recent liberality and interest of our manufacturers and capitalists in promoting the education of the children of the State, and congratulate the people on the encouraging progress of this great interest." (Conn. Rept., 1871, 23-24)

schools." Stamford reported some friction and excitement over the law, while from Thompson came the statement that they could "hardly see where they were the gainers by the new law." In the legislature opposition came up, and in 1870, an attempt was made to repeal the free school law, but it failed. (Conn. Rept., 1870, 30-32, 154, 168, 208, 217, 1879, 32-36)

The result in increased expenditure for schools is very evident. In 1868, the total resources increased \$278,819.62, an increase of over 33 per cent. In 1869, the increase was \$159,280.39, or about 14 per cent. (See Appendix, Table II) In total resources per child, the amounts changed as follows: 1868, \$8.14; 1869, \$8.44; 1870, \$10.23; 1871, \$11.83. In 1860, it had been about \$3.78. (Appendix, Table IV) About the same time wages of men teachers increased: 1867, \$45.21; 1863, \$52.00; 1869, \$58.74. Wages of women teachers increased also, but by smaller amounts: 1867, \$23.14; 1868, \$24.91; 1869, \$29.16; 1870, \$31.29. (Appendix, Table V)

In 1879, Mr. Northrop reviewed the first decade of free schools in his annual report. He showed that the average length of the school year had increased from 163 days, in 1869, to 178 days in 1879. The enumeration had increased from 123,650 to 138,407: The winter registration from 82,140 to 100,288; the summer from 71,177 to 91,413. The number of different scholars registered, from 29,390 to 119,828. The per cent. registered, from 80.38 to 86.56. The average attendance from 59,489, in winter, to 77,218; and in summer, from 53,645 to 69,832. It should be remembered also that in the earlier part of this decade, the first compulsory attendance law was enacted, and that such figures would be somewhat affected by its operation. The wages of teachers had changed from \$56.64 per month for men, to \$61.03 a month; and for women, from \$26.93 to \$36.50. The number of teachers increased from 1,453 to 1,947, a gain of 494 of "teachers continuously employed." The income from funds had increased from \$188,919.90 to \$194,426.52; and from taxes, voluntary contributions, etc., from \$354,166.81 to \$1,314,732.33. The expenditures for schools per capita of children of school age remained about stationary, being \$10.23 in 1870 and \$10.90 in 1879. (Conn. Rept., 1879, 21-22)

In reviewing the fight for free schools he made the following remarks which show a change worthy of note:

"The enemies of free schools have either been converted or have learned the futility of open opposition. Dissentients are still found whose sympathy is needed to give the highest efficiency to the system. . . . Comparatively few now press the objection which was widely urged ten years ago, *viz.*, 'It is unjust to tax me for the education of other people's children. I have none. Let those who have, pay the cost of their schooling.' The law has received an emphatic ratification from the people. Two years later, when its influence in increasing taxation had been fully felt, an earnest effort was made in the legislature for its repeal, which signally failed. . . . As a result of free schools, the great majority of the towns concur in saying that there has been a decided advance in the number at school, in regularity of attendance, and in the manifest interest of the people. Moreover it is felt that the schools belong to the people. In patronizing them the poorest parent is proudly conscious that he has no leave to ask, no patron to conciliate, and no alms to beg." (Conn. Rept., 1879, 32-36)

Besides this review by the secretary, Mr. Northrop, a session of the State Teachers' Association, held at New Haven, was in the nature of a meeting for self-congratulation on the advance in free schools. It was also pointed out that the claim, made in 1868, that free schools were a species of communism, had been disproved. And finally it was shown that the idea of free education as charity had practically disappeared. (*Ibid.*, 37, 46-49)

PART II

MICHIGAN

GENERAL SOCIAL CHANGES

The early period of exploration under French auspices had so little influence upon the period of 1800-1870 that it is purposely neglected. By 1800, Dutch and English traders, and settlers from New York and New England began to appear in the territory. After the opening of the Erie Canal, settlers from New York and New England came in large numbers. The population increased from 4,700 (1810) to nearly 400,000 in 1850. A very small percentage were negroes, but slavery was practically non-existent. By 1860, foreign immigrants added largely to the illiteracy of the state. Ten years before, the major part of the population consisted of persons born in New York, Ohio, Vermont, Pennsylvania, Massachusetts, Connecticut and New Jersey. From New England the total was 30,923. New York, Pennsylvania, and New Jersey contributed 148,870. The proportions were similar in 1860.

From 1800 to 1870 agriculture was the dominant vocation. In 1860 the ratio of the number of persons engaged in agriculture to the number engaged in manufacturing was six to one. The northern part of the state was not well settled until after 1870, but important cities like Grand Rapids, Ann Arbor, and Detroit had grown up in the central and southern parts.

From 1800 to 1870 the government changed very much. Before 1805 the government was under the ordinance of 1787, and was composed of a military governor and a court of three justices holding sessions successively in different places in the Northwest Territory. Michigan, or the County of Wayne, was a part of this area. The officials were appointed by the Federal government. In 1799 a legislative assembly met at Cincinnati and the County of Wayne sent three delegates. The governor and three justices, before 1799, exercised all legislative, executive and judicial powers. In 1805 the Territory of Michigan was

created. The government was vested in a governor (William Hull) and three justices, the four possessing the powers of the three departments of government. Local government was vested in district courts and courts of justices of the peace. Detroit was given a city government composed of a mayor and council of two chambers, all appointed by the governor. Public land questions and titles were causing much discussion and trouble, and the unsettled status of the Indians and British constituted a menace to rapid development.

The War of 1812 retarded the growth of the territory. In 1813 Lewis Cass became governor. In 1815 the county system of local government was adopted, and by 1822 eleven counties were organized. In 1819 the territory was given a popularly chosen representative in the national Congress. In 1823 a legislative council, appointed by the Federal authorities, was established. In 1827 the people were empowered to elect their council.

The people adopted a constitution in 1835-1837, and the state was admitted into the Union. The new state kept this constitution until 1850, when a second was adopted, which remained in force until 1908.

The territorial legislature established the town as the unit of local government, smaller in area than the county. This was very much like the New England town with its annual meeting and elective officers. (Cook, *Government of Michigan*)

The plan adopted for the government of Detroit in 1805 was modified and applied to other urban communities, so that in the period in question Michigan had its general government and three types of units of local government—the county, town, and municipality.

The panics of 1837 and 1857 had their influence upon the state, and the Civil War held the attention of the people for four years. Before 1850, the state had its fever for speculation and "wild-cat" banking.

SOME LEGISLATIVE AND ADMINISTRATIVE CHANGES, 1785-1870

By the national ordinance of 1785, the system of townships was provided. By the ordinance of 1787, a general government was provided. Under a law of 1795, the township was made the unit for administration of poor relief and apprenticeship. After Michigan became a separate territory, a law of 1809 required the overseers of the poor in each judicial district to divide the territory into *school districts*. The oft-quoted law of 1827 made townships and districts the local units of school administration, with most power in the township. Each district was to have three trustees who were required to levy a tax for school support. The townships had a board of five inspectors with general supervision over schools. In 1829 three commissioners replaced the five inspectors, and the powers of districts were enlarged. The constitution of 1835-1837 adopted the district and perpetuated it by requiring that a school be maintained for at least three months each year in each school district.

In the territorial period the University of Michigan was under the control of the legislature and a board composed of the governor and judges. The constitution of 1835-1837 provided a board of regents composed of the governor, lieutenant-governor, supreme court justices, and twelve other persons appointed by the governor and senate. This type of board continued to exist until 1850, when the new constitution provided for a new board. The members were to be elected, one from each judicial circuit, and were to have general supervision and control of the university. Still later (1862) the board was made up of eight regents, two to be elected each year. Under these types of management the university established several branches or secondary schools in the territorial period, and the higher education was developed.

As early as 1833, the territorial legislature provided for a superintendent of common schools. The constitution of 1835-1837 provided for a superintendent of public instruction to be elected by joint action of the governor and legislature. The constitution of 1850 provided that this official should be elected by popu-

lar vote. The same document provided for a state board of education of three members with the superintendent a member *ex-officio*. This board had control of the state normal school only. In 1859 a deputy superintendent was added to the office of superintendent of public instruction.

A law of 1867 provided for county superintendents. In 1842 the city of Detroit was organized into one school district with full control of its schools. In 1859, all districts having more than one hundred children were empowered to reorganize and to establish graded and high schools. Following the lead of Detroit, many other cities reorganized into union districts under special acts of the legislature.

The main items of school support used during this period were district taxes, township taxes, rate-bills, and income from the state school fund. The lands granted to Michigan for schools (Sec. 16, swamp and university lands) were gradually sold, sometimes at a fair price, but usually at a low price. Money received from the sale of lands in section 16 became known as the Primary School Fund; that received from the swamp land, as the Swamp Land Fund. The state soon adopted the policy of borrowing this money as it was paid in. On the Primary School Fund it paid seven per cent. interest, and on the Swamp Land Fund, five per cent. Since then, the first is known as the Seven Per Cent. Fund, and the latter as the Five Per Cent. Fund. (Swift, Chap. XXX)

District and township taxes were authorized in the law of 1827. In 1841, townships could levy taxes to the extent of one dollar per child of school age. Changes were made in this law in 1843, 1844, 1845, 1851, 1853, 1859, and 1879. In 1851 it was made two mills on the dollar; in 1853 changed to one mill, and raised again to two mills in 1859. No restrictions existed upon the power of the district to levy taxes until 1875.

The law of 1827 uses the word "rate-bills," but the actual beginning of rate-bill legislation was the law of 1829. Later changes were made in this provision in 1843, 1850, 1859, and rate-bills were abolished by law in 1869.

EDUCATIONAL CONDITIONS UNDER THE GOVERNMENT OF THE NORTHWEST TERRITORY,
1785-1805

The history of the evolution of free schools in Michigan may be grouped into six periods, as follows: (1) 1785-1805: Education in Michigan under the government of the Northwest Territory. (2) 1805-1837: Education under the Territorial régime. (3) 1837-1850: Development under the First Constitution. (4) 1850-1860: Free school development under Second Constitution to Civil War period. (5) 1860-1869: Development from increase to two-mill tax to Free School Law for Common Schools. (6) 1869 to present.

The first period, 1785-1805, is marked by some legislation of importance, but such educational conditions as existed were meager and their history very obscure. By act of Congress, 1785, all territory lying northwest of the Ohio River was organized into a "Northwest Territory." Two types of legislation occurred in this period to influence education, viz., Federal and Territorial. The Federal legislation consisted of the land survey provisions of 1785, the section on education in the ordinance of 1787, and the powers to the board of treasury of the same year. The Territorial legislation consisted of two laws enacted in June, 1795, by the governor and judges of the Northwest Territory, the first entitled "A law establishing Orphans' Courts" (June 17), and the second "A law for the relief of the Poor" (June 19).

The first of these laws was "An Ordinance for ascertaining the mode of disposing of lands in the Western territory," adopted by Congress, May 20, 1785. It provided for the system of land survey used in the Northwest Territory, including the township, divided into thirty-six sections one mile square, numbered consecutively from one to thirty-six. This system applied to "the territory ceded by the individual states to the United States, which has been purchased of the Indian inhabitants." The important provision follows: "There shall be reserved the lot No. 16 of every township, for the maintenance of public schools, within the said township." (*Hinsdale, A. B., Documents, 1269*)

Following the agitation of the Ohio Company, and especially its leader, Dr. Cutler, the ordinance of 1787 was enacted. Article III, secs. 3 and 25, concerns our problem.

"Sec. 3. . . . Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of instruction shall forever be encouraged by legislative provision, not inconsistent with the right of conscience."

"Sec. 25. That no law shall be passed to prevent the poor in the several counties and townships within this state from an equal participation in the schools, academies, colleges, and universities within this state, which are endowed in whole or in part from the revenue arising from donations made by the United States for the support of schools and colleges, and the doors of these said schools, academies and universities shall be opened for the reception of scholars, students and teachers of every grade without any distinction or preference whatever, contrary to the intent for which said donations were made."

These provisions were enacted July 13, 1787. Ten days later, Congress defined the "Powers to the board of treasury to contract for the sale of the Western Territory," in which is found the following provision: "The lot No. 16 in each township, or fractional part of a township, to be given perpetually for the purposes contained in the said ordinance (1785)." (Hinsdale, *Documents*, 1269)

These provisions have as their most important result the development of the "Public Permanent Common School Funds." In Michigan this became the source of the Primary School Fund, the interest from which was an important factor in school support for many years before the schools became free from the rate-bill and its evils.¹

The second type of legislation, the Territorial, was a direct establishment of the apprenticeship system. The legislative authority consisted of Governor Arthur St. Clair, and the two territorial judges, John Cleves Symmes and George Turner. These officials, June 17, 1795, enacted a law to establish "Orphans Courts." The enacting clause states that it was "adopted from the Pennsylvania code and published at Cincinnati." Section I provides that an orphans' court shall be kept by the justice of the peace in each county. Section VII gives the justices power to appoint guardians, tutors, and to bind minors as apprentices:

¹ Fund has been used up and state levies tax to pay interest.

" . . . and at the instance and request of the said executors, administrators, guardians, or tutors, to order and direct the binding or putting out of minors, apprentices to trades, husbandry, or other employments as shall be thought fit."

"Sec. XII. Provided always that none of the said Orphans' courts shall have any power to order or commit the tuition or guardianship of any orphans or minors; or bind them apprentices to any person or persons, whose religious persuasion shall be different from what the parents of such orphans, or minors professed, at the time of their decease; or against the minor's own mind or inclination, so far as he or she has discretion and capacity to express or signify the same; or to persons that are not of good repute, where others of good credit, and of the same persuasion, may or can be found." (Laws, Northwest Territory, Maxwell's Code, Vol. 3, 81-89)

On June 19, 1795, two days after the enactment of the law establishing orphans' courts, "A Law for the relief of the Poor, Adopted from the Pennsylvania Code, and published at Cincinnati," was enacted by the same authority. By section I, justices of the peace were required to appoint two overseers of the poor in each township. Section IV allowed said overseers, with consent of the justices, to levy a ratio on real estate not to exceed two cents on the dollar, and a poll tax of seventy-five cents on every "freeman" not paying other tax "which assessments may be repeated by the authority aforesaid, as often, in one year, as shall be found necessary for the support of the poor; to be employed in providing proper houses and places and a convenient stock of hemp, flax, thread and other ware, and stuff, for setting to work such poor persons as apply for relief, and are capable of working; . . ." In section VII, power is given to collect such rates by force, if necessary. Section IX, "Concerning Poor Children," follows:

"It shall and may be lawful for the overseers of the poor of the township aforesaid, by the approbation and consent of two justices of the peace of the county, to put out as apprentices, all such poor children, whose parents are dead, or shall be found by said justices unable to maintain them, males till the age of twenty-one, and females till the age of eighteen years." (*Ibid.*, Vol. 3, 127-148)

Although these laws were enacted for the whole Northwest Territory, the Federal laws did not influence Michigan during the period in question, and the general territorial laws seem to have had even less influence, then or later. However, it should not be overlooked that these apprenticeship laws were the beginnings of a type of laws later enacted quite generally throughout the states,

in which apprenticeship as a means of education was considered applicable to the children of the poor.

During the period of 1785-1805, the population of Michigan consisted of Indians, French, half-breeds, and, in or around Detroit, some English-speaking people. The British retained control of this military post during a good share of this period. The French were interested in trapping, trading, and farming; the British, in trading and military affairs. Neither seem to have given much concern to matters educational. Their time was consumed largely with the physical activities of real frontier life. It is possible that some elementary parochial schools were maintained by the Catholics, but the writer has found no evidence of them. Immediately upon the establishment of a separate territorial government for Michigan, matters of education were given some attention.

Out of the legislation of this period comes the Federal policies of land-grants for common schools, and that the advantages of such schools should be open to all without distinction. It is also the beginning of much apprenticeship legislation for states west of the Appalachian barrier. There is also a possibility that the Poor Law organization effected by St. Clair and the judges for the Northwest Territory in 1795 gave some suggestion to Hull and the judges for the enactment of the Michigan law of 1809 which is referred to in the following section.

FREE SCHOOL DEVELOPMENT WHILE MICHIGAN WAS A TERRITORY, 1805-1837

The relation between schools and pauperism appeared very early in Michigan. It is seen in the following law enacted by the Territory of Michigan, February 26, 1809:

"Be it enacted by the Governor and Judges of the Territory of Michigan, That it shall be the duty of the overseers of the poor of such judicial district within this Territory, some time in the month of May next, to divide their respective districts into such sections as, in their judgment, will be most convenient for erecting school houses, and maintaining schools, which sections shall be styled school districts, which may be altered from time to time as will best accommodate the inhabitants."¹

This seems to have been the first legislation for schools in Michigan and it is significant that the schools are placed under the care of the overseers of the poor.

In 1817, this idea again appears in the curious act establishing the Catholepistemiad, or University of Michigan. A section of this law provided that the tuition of indigent students should be paid from the public funds, as follows:

"If the judges of the court of any county, or a majority of them shall certify that the parent or guardian of any person has not the adequate means to defray the expense of the suitable instruction, and that the same ought to be a public charge, the honorarium (tuition) shall be paid from the treasury of Michigan."²

The writer has found no evidence of actual use of this provision. A law enacted by the Territorial legislature, April 12, 1827, is important. Its general provisions are modeled very closely after the Massachusetts law of 1647. Parts of section 6 and section 7 of this law are relevant.

"Sec. 6. And it shall be the further duty of the trustees of each district, as soon as may be, after the trustees have voted a tax, to make a rate-bill or tax list, which shall raise the sum voted, with 4 cents on the dollar for collection fees, on all the taxable inhabitants of said district, agreeable to the levy on which the township tax was levied the preceding year, and annex to the said tax list or rate bill a warrant."³

¹ Territorial Laws of Michigan, Vol. IV, p. 90.

² Report of the Commissioner of Education, 1897-98, Chap. XIII, p. 601.

³ Territorial Laws of Michigan, Vol. II (pub. 1874), p. 472.

Section 7 provided for the exemption of parents of children of the poor from supplying fuel as follows:

"That no child or children shall be denied the privilege of attending school . . . for or on account of the inability of the parent or parents, or master of such child or children, to supply his, her or their proportion of wood in such district. . . .¹

The law was obligatory in all townships that adopted its provisions by a two-thirds vote at an annual meeting. The use of the words "rate-bill or tax list" obscures the real meaning of section 6. It is not clear that a real rate-bill was meant. It may have meant this, and also a property tax, or the terms may have been synonymous. Smith and Sherman both assume that a tax is meant by section 6. The following facts seem to show that what was meant was really a tax: (1) The phraseology "taxable inhabitants"; (2) the trustees are to vote a tax; (3) it seems that the tax was to be in proportion to the township tax levy of the year previous. If the law really meant a tax, the use of the term rate-bill is inaccurate. Yet it is significant that the term appears in the law. The exemption feature of section 7 again shows clearly the relation between exemption from charges and pauperism.

A law enacted in 1829 provided for actual rate-bills. Section 17 provided that each person should be assessed in proportion to the number of days of school attended by his or her children. This makes it clear that tuition was meant. Section 24 provides exemption of the poor from payment of the tuition.² Section 23 provides that persons living remote from the schoolhouse might be exempted from tax to build schoolhouses. If parents failed to supply fuel, their assessment would include a levy to pay for fuel.

¹ *Territorial Laws of Michigan, Vol. II* (pub. 1874), p. 472.

² Sec. 24. "That whenever there shall be within any school district any poor and indigent persons, unable to pay for the instruction of his or her children, or where there shall be poor children without parents in any district, the directors of such district may, in their discretion, order such children of poor parents, or those without parents, to be instructed at the school of said district, and the expense of instructing such children shall be raised by a tax upon the taxable inhabitants of such district, and the assessment and collection of such tax shall be in proportion and after the same manner as hereinbefore mentioned for the raising and collecting of other taxes in said district." (*Laws of Michigan, 1829*)

BEGINNINGS OF FREE SCHOOLS AND FREE SCHOOL LEGISLATION UNDER THE FIRST CONSTITUTION, 1837-1850

The next important action occurred while Michigan was organizing a state from a territory, and appears in section 3 of the article on education in the constitution as drafted in 1835, in the following:

"The legislature shall provide for a system of common schools by which a school shall be kept up and supported in each school district, at least three months in every year; and any school neglecting to keep up and support such a school may be deprived of its equal proportion of the interest of the public fund." (Shearman, 18. Hinsdale, *Rept. U. S. Com. of Ed.*, 1892-1893)

This did not provide for free schools. It required, however, a minimum term of three months in each district, and this provision made the use of the rate-bill necessary in certain cases, in order to keep the school going for three months.

Governor Mason, the first chief executive of the state of Michigan, in his message of 1836, dwelt upon education as follows:

"It becomes then your imperious duty to secure to the State a general diffusion of knowledge. . . . Your attention is therefore called to the effectuation of a perfect school system open to all classes, as the surest basis of public happiness and prosperity." (Shearman, p. 20)

The condition referred to was not realized as the governor recommended. The legislature of 1837 enacted a codification of school laws which seems to have been silent on the matter of rate-bills. Much was said about the *financial conditions* of the time by the legislators and the governor to indicate that this matter was absorbing all of the attention, and leaving little or none for the concerns of education.

The constitution adopted while Michigan was being admitted to statehood provided for a state superintendent of instruction. In harmony with this John D. Pierce was appointed by the governor to this office. No constructive educational legislation was undertaken until Mr. Pierce, at the request of the Assembly, outlined a system of schools. In his recommendations, he wrote in very definite terms: "Let free schools be established and

maintained in perpetuity and there can be no such thing as aristocracy in our land." He even went further and urged compulsory attendance for three months for all children between five and seventeen years.

Some conditions of school support and attendance in 1840 will be indicated before proceeding further. The total district tax amounted to \$59,126. The total attendance was 47,901, or the districts were raising a small amount above one dollar per pupil for school support. This, together with all other sources, still necessitated the use of the rate-bill. As to real attendance, its status was discouraging. In 1841, the state superintendent estimated that "not more than one-half of our school attending children are in the habit of attending regularly summer and winter." (Shearman, p. 97) Ninety-seven districts had no schools. Such were some of the conditions with which the new system outlined by Mr. Pierce had to cope.

Governor William Woodbridge in his message of January 7, 1841, wrote as follows:

"The revenues necessary for the erection of schoolhouses, and the sustainment of the system generally, are derivable, first and principally from a course of taxation provided for by existing laws. The entire plan upon which this course of taxation is founded seems to me obnoxious to the most serious objections."

"Every system of taxation, to be just should be reasonable, equal and uniform. It is a proposition as notorious as it is lamentable, that the assessments of taxes for school purposes, . . . are neither equal nor uniform, and in some cases have been most highly unreasonable."

While his words were general, they referred to conditions, one of which was the rate-bill, a phase "obnoxious to the most serious objections." (Sic!)

The first free school law enacted in the state was a special act of 1842, for the city of Detroit. Section I reads as follows:

"Be it enacted by the Senate and House of Representatives of the State of Michigan, That the City of Detroit shall be considered as one school district, and hereafter all schools organized therein, in pursuance of this act, shall under the direction and regulation of the board of education, be public and free to all children residing within the limits thereof, between the ages of five and seventeen years inclusive."

This law has a very important bearing on later developments. It legalized free schools in a city, and even made it necessary to maintain them. Soon other cities demanded this privilege, and

the example of Detroit had its influence. This procedure was similar to developments in Connecticut.

While the year 1842 marked the enactment of the first free school law in Michigan, the year 1843 brought forth legislation fastening more firmly the rate-bill upon the common schools. This law empowered the assessor to collect rate-bills, if necessary, by distress and sale of goods and chattels. The moderator, director, and assessor were constituted a district board which was required "To exempt from payment of wages of teachers or providing fuel for use of the school, such indigent persons, as in their opinion should be so exempted." The director, at the request of any two persons liable for fuel and tuition bills, must call a meeting of all such liable, to consider need of raising school money. This had the effect of extending local district option in school matters. The same section exempted all persons liable for fuel bills, if they could show that they had provided their share of fuel. The director was required to make out all rate-bills. (Laws, 1843, 88)

No definite information as to the amount of money collected by rate-bills was given until 1846, although earlier references are made to them, and their existence must have constituted a very serious problem. A township tax for the support of schools of one mill on the dollar was established in 1842, and amounted that year to \$1,120 for the whole state.¹ This shows, on the face of it, that the law was not in operation in the entire state. In 1846, certain items of school support were as follows: Rate-bills \$26,558; district tax \$92,584; township tax \$6,579. Thus four times as much was collected by rate-bills as by the township tax, while the district tax was about three and a half times as large as the total of the rate-bills. The attendance was very irregular, and complaints regarding this condition were frequent throughout this period, and even after the close of the Civil War. The school census of 1846 reported 97,568 children of school age in the state. In such districts as reported there were 4,578 children of school age who were also illiterate, and not attending school. It was also estimated that 15,000 children lived in such places that they had no access to schools. (Shearman, 154) The usual attitude toward the education situation was undoubtedly voiced in the message by Governor Alpheus Felch, January

¹ Township taxation was established by the law of 1827.

4, 1847, when he said "The laws on the subject of common schools, it is believed, are such, when faithfully executed, as generally to secure, in a manner highly satisfactory, the great interests of education. . . . The chief obstacles to the realization of all the benefits of our noble school system, are found in the want of punctual attendance on the part of the scholars, and the deficiency in the qualifications of teachers. To correct the former rests principally with parents and guardians. The latter is an evil, deplorable in its consequences, and difficult of correction." (Joint Document, 1847, 8-10) No thought appears in the message that conditions could be bettered by *real free* schools, but he would make the parents realize their own responsibility regarding attendance. Indeed, it is not very probable that the social consciousness of the people included, as an accepted principle, the principle that schools should be free at all, and supported by public taxation.

Other changes in the law concerning rate-bills appeared in 1850. By these new provisions, the district board was empowered to graduate tuition according to the studies pursued and to have usual coercive authority to collect rate-bills based upon such graduated rates. (Laws, 1850, 20) This added another detail to a plan of school support, already condemned by experience, but condoned because of inability to see the economy of its abolition.

FREE SCHOOL DEVELOPMENT FROM ADOPTION OF SECOND CONSTITUTION TO ESTABLISHMENT OF TWO-MILL TAX AND OPTIONAL FREE SCHOOL LAW, 1850-1860

In 1850, the slowly developing free school sentiment began to take form in legislation. The superintendent of public instruction suggested for consideration by the legislature the expediency of "adopting a system of Free Schools." (Shearman, 197) The committee on education in the House of Representatives took up the matter, as suggested and reported as follows:

"The voice of the public press, the petitions which have been presented to the legislature at the present session, and the generally expressed desire in many parts of the State, have induced your Committee to examine this question with a view to ascertain its present practicability. . . . The example of other states is undoubtedly operating extensively among the people of this State as a stimulus to the establishment of free schools. And the fact that three states formed out of the ancient Northwest Territory have already preceded us in this step upon a higher level of education effort . . . ought to command our earnest attention to a subject of such paramount importance." (Shearman, 207)

This committee estimated the total cost of tuition at \$80,030.24, of which \$50,412.36 came from public sources, and \$29,717.88 from rate-bills, or, in other words, slightly over 37 per cent. of tuition was thus raised. At an earlier date a law had been enacted allowing districts to tax themselves not to exceed one dollar per pupil, for school support. The committee recommended the repeal of this law, and the increase of the one-mill township tax to two mills which would make "a fund sufficiently large . . . to make primary schools of the state substantially free." (Shearman, 210) No legislation seems to have resulted from this recommendation. The question was yet a live one, however, and it was a part of the work of the state constitutional convention of that year to make some settlement of the question.

The year 1850, in Michigan, is memorable for the formulation of the second constitution of that state. For fifteen years the state had progressed under the first constitution. The convention was now called upon to reorganize the fundamental law to

meet the changed conditions of the commonwealth. In 1830, the population was 31,639, and the state ranked twenty-seventh among the twenty-eight at that time. In 1830, the population was rural and pioneer—it had all the characteristics of a new frontier. By 1850, the state had several cities of some importance, such as Albion, Ann Arbor, Grand Rapids, Ypsilanti, and Detroit, the last named having a system of free schools. The State University was slowly developing. Private schools and academies were appearing; hardly a session of the legislature passed which did not grant one or more charters for such institutions. In 1836, the school enumeration (5 to 16 years of age) was 2,337; in 1850, the enumeration (4 to 18 years) was 132,234. These are some indications of the changes in the fifteen years.

The convention took up the discussion of the proposed article on education submitted by Mr. Walker of Macomb. All sections seemed fairly satisfactory except the third, which included the provisions following:

1. That the legislature should establish a system of primary schools;
2. Such schools shall be maintained in each district for at least three months in every year, without charge for tuition;
3. Such schools should be free to children between 4 and 18 years of age;
4. The English language and no other should be taught in such schools;
5. Any deficiency that might exist, after the distribution of the interest of the Primary School Fund, should be raised in the several townships and cities by a tax upon the whole taxable property in such townships and cities respectively.

The adoption of this section would have gone far toward making schools free, and would have made all primary schools free for at least *three* months. And further, it would have placed the tax where it belonged—upon property, rather than upon individual parents or guardians. The committee of the whole took up this section. Sixteen amendments and amendments to amendments were proposed in the committee of the whole. Then it came up to the convention proper where no less than six amendments were offered. Some of the more important will be mentioned. Fralick of Wayne offered a substitute which provided

for a tax upon property regulated by the number of scholars, any deficiency, after the distribution of interest from the Primary School Fund, to be raised by a tax levied by the legislature upon the property of the township or city. This was a move from district domination, and also towards support by taxation on property, both highly desirable. Morrison of Calhoun made the straightforward proposition that, beginning with 1855, an annual tax, not to exceed three mills, be levied upon the taxable property of the entire state for the support of common schools, such tax to be collected in the same manner as any state tax for state purposes. This, of course, was too wide a departure from local autonomy for men schooled in the politics of New York and New England local government to readily accept. Leach of Genesee proposed a substitute as follows: "First, a primary school shall be kept in each district at least — months in each year; second, all persons 4 to 20 years of age could attend such schools; third, for the support of such schools (a) a state tax of not less than — cents per scholar returned to the office of state superintendent, (b) this tax and school fund interest to be distributed to districts in proportion to the number of scholars in each, (c) any deficiency, that then might exist, to be met by a district property tax." John D. Pierce, who was then a member of the convention, opposed this. He favored free schools and a state tax. Several others spoke in favor of real free schools. The chairman of the committee, Walker, opposed Leach's proposition because of its similarity to New York practices which, he had been informed, contained elements of discord. Again Fralick came back with another proposition, this time retaining the idea of district taxation and control. This was immediately opposed by others. Still others favored the requirement that the legislature establish the system and attend to its details. After various proposals and much discussion, N. Pierce offered a substitute for section 3, as follows: "The Legislature shall establish by law a system of primary schools, by which our schools shall be kept in each and every school district, for at least three months in each year, and shall provide for the levying of a tax not exceeding two mills upon the dollar upon all the taxable property in the state, for the support of said schools; and the English language shall be taught in such schools." The words "and without charge for tuition" were inserted after

"free." Mr. Pierce's substitute, as amended, was then adopted by the committee of the whole. When this substitute came up in the convention proper, six amendments, of various kinds, were offered. The substitute offered by the committee was finally adopted, together with an additional section providing that districts failing to comply with constitutional provision as to free schools should forfeit their share of school fund income. However, the matter was not ended here. On the 6th of August, Cornell moved to recommit the article on education to the committee with instructions to strike out section 3 and insert another substitute. The vote on this instruction was carried, 45 yeas, 23 nays. The article was reported back the same day. Some further amendments were proposed, a vote taken to adopt the section as amended, and lost by a vote of 33 to 28. Here John D. Pierce came to the rescue of this rather unfortunate cause and moved to reconsider, which was done, and the whole article laid on the table. Again on the motion of Pierce, the article was re-committed to the committee on education. The following day it was reported back. A slight amendment was added requiring instruction to be in English, a substitute offered by Fralick was voted down, and the section and article adopted. The results of this discussion, argument, and contest are given in sections 4 and 5 of Article XIII of the Constitution of 1850:

"Sec. 4. The legislature shall, within five years from the adoption of this constitution, provide for and establish a system of primary schools, whereby a school shall be kept, without charge of tuition, at least three months in each year, in every school district in the State; and all instruction in said schools shall be conducted in the English language."

"Sec. 5. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school, shall be deprived for the ensuing year of its proportion of the income of the primary school fund, and of all funds arising from taxes for the support of schools." (Shearman, 212-261)

If the friends of free schools thought the victory theirs, they were surely deceived. The only loophole left open was utilized to delay the legal establishment of the free school principle. "The Legislature shall within five years . . . provide . . ." was not carried out, and no one could compel the law-makers to do it. Of course, other causes helped to delay free schools until 1869, but this loophole gave the opportunity for evasion.

This contest brought forth several statements of the arguments for and against free schools, although the majority favored free schools. Throughout all of this discussion, there appears such prominent factors as the value of the district system, the experience of other states, the principle of property taxation versus taxation of parents who send children to school. Other arguments are quoted as follows: (1) "This amendment provides that a tax shall be levied upon the whole taxable property of the State. . . . As a friend of universal education, I go for this measure, believing that the whole property of the state should be taxed for the education of the children of the state." (Shearman, 217) "The true theory of government, as understood at the present day requires the whole property of the state to support the government of the state, instituted for the protection of property." (2) ". . . a tax for educational purposes is but an interest tax for the protection of property, and should be paid equally by all taxable property protected." (3) ". . . the children of the state are the property of the state, and entitled to support, education, and occupation, whether their immediate guardians can give it to them or not." (4) The opposition argument that the wealthier communities would have to pay taxes which would be taken out of their communities appears several times. This was best stated by Fralick, who showed that nineteen counties would lose by a state tax, while this same loss would be gain to twelve other counties. (5) Further, it was held by some that it would be injurious to the new counties. Walker said that most of the new counties would be required to raise much more money than they would receive back again. Orr held that the "proposition has for its object . . . to rob the new and sparsely settled counties of the State of a portion of the money raised in such counties . . . and give it to the older and more densely settled portions of the state." (6) N. Pierce held that it was worth while to have a district tax in order to keep the people interested. (7) Gale and some others held flatly that free schools were good in theory but absolutely impracticable. Walker replied that "the history of the New England states shows that it can be done." (8) Walker also stated the argument that children of the poor were barred from schools as they were, and even from sharing in the benefits of income from land given by the United States for that purpose.

(9) A refutation of argument that tuition should be paid by parents according to the number of children sent to school was stated by Walker: "It might be said that the man who has ten children should work ten times as much highway as the man who has no children. He travels the road ten times as much. So with poorhouses; so with courts; so with prisons. . . ."

(10) Moore gave the best ordered list of arguments for free schools of any. They were: (a) Value of property and peace of society are enhanced, for education diminishes vice and crime. (b) Hence it is the duty of the state to provide an education for all its children. (c) "These common schools are of exceeding value by way of bringing forward and cultivating minds of great worth, that had otherwise lain forever buried in the obscurity of poverty. They are like scientific surveys for the discovery of the mineral resources of the state." (d) Free schools help to disseminate the principles of true democracy. (e) A general tax is the best means of support. (f) The state has already begun and should finish the establishment of real free schools.

(Shearman, 212-259)

A few months later the legislature convened and Governor Barry wrote in his message to this body concerning free schools as follows:

"One more step is required to secure to all the children of the state the benefits of a common school education, and that step is the establishment of free schools. Though hitherto the charge of tuition has always been remitted to those not able to pay, yet, from a sentiment of delicacy or pride, the poor have not, in all cases, sent children to school. By provision of the revised constitution it is made the duty of the legislature within five years to provide for and establish a system of primary schools, to be kept in each district of the state at least three months in the year without charge of tuition. A provision of this kind cannot but meet the cordial approbation of every patriotic individual and well-wisher of his country. The taxation to carry this into effect, will hardly exceed that of the last and previous years collected for the purpose of education; and the common schools will, in name and in fact, be free to all." (Shearman, 262)

Governor Barry was destined to see the rate-bills continue, although the legislature did enact a law calculated to relieve the evils of the situation. It was approved by the governor, April 7, 1851, and is known as the "two-mill tax law." It reads as follows:

"Sec. 107. The supervisor shall also assess upon the taxable property of his township, two mills upon each dollar of the valuation thereof, in each year, and twenty five dollars of the same shall be applied for the purchase of books for the township library, and the remainder thereof shall be apportioned to the several districts in the townships for the support of the schools therein." (Laws, 1851, 172)

Some changes in school support should be noted. The township tax for the years 1850 to 1860 shows a steady increase, the greatest change coming in 1860. But in five of these years, the rate-bills exceeded the total of this tax, and were approximately equal to it in three other years. In five years of this decade, the rate-bills exceeded the amount of the Primary School Fund interest, and in some others did not vary from equality; the general tendency was for the rate-bills to be a little higher than this interest fund. In no one year did the rate-bills equal the amount raised by district taxes. In five years of the decade, rate-bills increased as against five when there was no increase, the increase varying from \$2,600 to \$21,641. In the year 1860, the township tax made a large advance and the rate-bills were lessened \$37,384. This shows the possibilities of such a tax. (Appendix, Tables I, III)

No attempt to fulfill the conditions of the new constitution appeared until 1855, when Governor Parsons reminded the legislature of their duty in his message in the following words: ". . . it will therefore become your duty to see that the requirement of the constitution is complied with." (Joint Documents, 1855, 18-20) The words of the governor were unheeded. No bill was introduced in the legislature to accomplish such a purpose. Why the legislature was indifferent to the requirement of the constitution is not clear. Some probable causes are the following: (1) The state was yet much like a frontier, and people were too deeply concerned with the sterner necessities to give much attention to such a matter; (2) the state superintendent made no serious objection to rate-bills; and (3) it is probable that the evils of rate-bills were not yet fully apparent to many people.

In the years just preceding the Civil War, attention was again directed to the question of free schools. In 1857-1861, the statements of three governors bear upon free schools. Governor K. S. Bingham, January 7, 1857, said:

"No one now has the hardihood to question that property is safer and better protected in proportion as it is contributed to universal education. I trust, therefore, that you will not fail to make provision by which the requirements of the Constitution shall be enforced that there be a free school in each district at least three months in each year." (Joint Documents, 1857, 8-10)

After this rather feeble effort of Governor Bingham, the chief executive remained silent until 1859. In that year Governor Moses Wisner brought up again the question of free schools and the constitutional requirement. His statement follows:

"It is to these primary schools that we must ever look for the stability of our institutions. It is here that our children meet on a common level. The children of the rich and poor, the high and the low, are here taught alike. Our primary school system should, however, be so perfected that no man within our State could be able to claim that poverty deprives him from educating his children. Our primary schools should be free. The State should make ample provision for carrying into effect that clause of her Constitution, declaratory that 'a system of primary schools shall be established without charge for tuition.'" (Governor's message, 1859, 12-14)

His words had no effect. That very year legislation actually extended the rate-bill as a means of support. One important type of legislation appeared, however, that tended to increase the growth of free schools.

The legislation directly concerned with rate-bills was undoubtedly due to rapid increase of this means of school support during this period. (See Table I, Appendix) By this law, the director was required to ascertain the amount of money which would have to be raised by a rate-bill. To this end, he was required to obtain from the teacher a record of the pupils' names and the number of days each attended. To make sure of this, the law required the teacher to keep an attendance record. Within twenty days after receiving such list, the director must send to the assessor a bill for tuition, fuel, and five per cent. of assessor's fees. This was to be accompanied by a warrant signed by the director and moderator. The warrant ordered the assessor to collect the respective amounts, within sixty days, and "if any person shall neglect, or refuse, on demand, to pay the amount . . . for which he is liable, he (shall) collect the same by distress and sale of goods and chattels of such person wherever found. . . ." (Gregory, *School Funds and Laws*, 176-182) By one provision, the moderator and director could extend the time of payment of these bills "not exceeding thirty days."

Perhaps the most important of all is the re-enactment of the exemption clause which was as follows:

"Sec. 58. Said board (*i. e.*, the district board) shall exempt from the payment of teachers' wages, and from providing fuel for the district, all such persons residing therein as in their opinion ought to be exempted, and shall certify such exemption to the director; and the children of such persons shall be admitted to the district school free of charge during the time of such exemption." (*Gregory, School Funds and Laws*, 187)

The state superintendent, in commenting on the section, said, "None ought to be debarred from school for lack of means to pay the rate-bills." Practically all of the features of this law of 1859 appeared in the law of 1829. Had the interest manifested in 1850 continued through the decade, possibly this law, fastening upon the state exactly the thing which the Constitution prohibited, would not have been enacted, but instead there would have been a free school law.

It was this year when the township tax was again raised to two mills, where it remained for twenty years. Section 107 of the school law of February 15, 1859 provided that, "The supervisor shall also assess upon the taxable property of his township two mills upon each dollar of the valuation thereof, in each year. . . ." (Supt. Rept., 1860, 14) In the first year of the existence of this tax, rate-bills decreased from \$104,869.20 to \$67,484.87. The township tax was increased to \$262,130 from \$129,524, approximately 100 per cent., while both the district taxes and interest money showed low increases. The decline in rate-bills, due to this tax, was continuous until 1864, when other factors caused an increase in them. "Of 628 townships and cities reporting, there were 70 in which no rate-bill is reported," wrote the state superintendent. (Supt. Rept., 1859, 18) He also reported that 1,202 districts, or nearly one-third "are free from this obnoxious tax."

Equally as important as the two-mill tax, if not more so, was the law for graded and high schools, enacted in 1859. The important sections are sections 1, 3, 5 and 150. Section 1 provided that "any school district containing more than 200 children between the ages of 4 and 18 years, may elect a district board consisting of six trustees: Provided, the district shall so determine at annual meeting, by a vote of two-thirds of the voters attending such meeting. . . ." Section 3 granted the trustees powers

to classify scholars, establish high school on vote of annual meeting, *fix rates of tuition*, and prescribe courses and texts, and make regulations for the government of schools. Section 150 authorized such districts to make schools free.¹ Section 5 authorized any two or more contiguous districts to form a single district when two-thirds of the voters at an annual meeting so voted. (Laws 1859, 446-8) This was seventeen years after Detroit was created into a school district and its schools made free. Now what was legalized in Detroit, by act of 1842, was made permissive throughout the state by this law of 1859. It did not make the schools free, but it did give towns and cities the opportunities to make schools free, and, as we shall see, they used their opportunity.

Before proceeding with the Civil War period, it is well to summarize the development up to this date. The relation between the free school and pauperism appeared in territorial enactment placing schools under care of the overseers of the poor in 1809. It again appears in the law of 1817, establishing the University of Michigan. The first real rate-bill law was enacted in 1829. The first constitution drafted in 1835 provided that schools be kept at least three months in each district of the state. In the following year the governor urged free schools in his message. The first state superintendent appointed under the constitution was John D. Pierce. It was he who planned a system for the state, most features of which were enacted into laws at that time. In 1842 the first real free school law was enacted legalizing free schools in Detroit. The next year the essentials of earlier tuition and rate-bill laws were codified in a single law. In 1850 the state superintendent urged the necessity of adopting a system of "Free Schools." The House of Representatives referred the matter to the committee on education, which recommended the establishment of free schools. During the same year, a new state constitution was drafted. The questions at issue were fought out in committee and in convention between friends and foes of free schools, with the result that the legislature was directed to establish free schools within five years. During the decade of 1850 to 1860, general interest in free schools seems to have waned. Even the recommendations of the two governors that the constitutional requirements be met were not considered.

¹ See pages 185-186.

Rate-bills increased until they constituted over a fifth of the total school support. In 1859, rate-bill legislation was again enacted, a two-mill township tax established, and a law passed allowing districts having 200 or more children of school age to establish free graded and high schools. It has been shown that the income of the two-mill township tax was sufficient to decrease considerably the rate-bills in the state.

GROWTH OF FREE SCHOOLS IN CIVIL WAR PERIOD
AND FINAL OVERTHROW OF RATE-BILLS IN
MICHIGAN, 1860-1869

The actual condition of educational finances from 1860 to 1869 needs explanation because of its relation to the movement. The amount of the two-mill tax increased every year except 1862 and 1863. The lowest amount was \$248,934 in 1862; the highest was \$323,246 in 1869. The average amount was about \$290,000. The amount of the district tax increased every year except 1862 and 1863. The lowest amount was \$233,125 in 1863, and the highest was \$1,308,618.78 in 1869. The average amount was about \$578,000 per year. The interest from the Primary School Fund increased every year except 1861 and 1865. It was lowest in 1861, amounting to \$103,457. The highest figures were \$165,651, in 1869. The average income per year from this source was about \$135,720. The amounts collected by rate-bills varied more. A decrease in 1860 of about \$37,000 was followed by smaller decreases each year until 1864, when \$50,080 was the total. From 1865 to 1869, the annual totals averaged about \$100,000. This increase must be accounted for by changes in teachers' salaries and cost of fuel. (See Appendix, Tables I, III)

The number of school districts increased from 4,087 in 1860 to 5,052 in 1869. This meant a corresponding increase in the teaching force. During the Civil War period, fewer men and more women were found in the teaching staff of the schools. Scarcity of men teachers and normal increase in demand produced a great increase in salaries of men. Then, at the close of the war, men came back into the profession in larger numbers and at an increased salary. The growth in districts, and consequent addition of schools, brought more teachers of *both sexes* into the profession, but more often women than men. There was also a greater proportional increase in salaries of women teachers than men. In ten years, the number of teachers increased 2,328, or 29 per cent. The salaries of men in seven years increased 70 per cent., while the salaries of women increased 97 per cent. The increases for the last four years were 347 men and 400 women. At the average

salary paid these teachers for these years, the total increase in cost of teaching was \$24,194.10 per month, or for the average school year of 6.2 months, a total increase of \$150,003.42 per year. This added expense was undoubtedly the cause of increase in the rate-bills.¹ This contention was upheld by the state superintendent in 1863. (Supt. Rept., 1865, 43)

Two other explanations of this increase in rate-bills seem probable. The first is that the increase is more apparent than real, and what seemed a real increase came as a result of getting facts which before had not been reported. The state superintendent for the years 1864 and 1865 said much about the inaccuracies of reports sent to his office and the failure to send them at all in some cases. "Responses more or less full were made in reports from about half of the towns in the state." (Supt. Rept., 1864, 59) In the Superintendent's Report for 1865, several pages were given to considering this problem of inaccurate and unreliable reports. (Supt. Rept., 1865, 37-44) It is believed that this is a partial explanation.

A third explanation is possible. It is that other school revenues did not increase during this decade proportionately and hence teacher support had no other resource but that of the rate-bill. But it has already been shown that the income from these sources had a steady and fair increase. This is further verified by reference to the facts for each year.

Assuming that all of these facts are more or less subject to inaccuracy, it is here held that two things explain the rate-bill increase: (1) It was partly an apparent, rather than a real increase —how much it is impossible to ascertain; (2) such increase as did occur resulted from increase in number of teachers and teachers' wages. These, it is believed, are the most important factors.

¹ Salaries and the number of teachers for the decade 1860 to 1869:

Year	Men Teachers	Women Teachers	Total	Wages per month	
				Men	Women
1860	2586	5335	7921
1861	2326	5484	7810
1862	2380	5958	8338
1863	1918	6907	8825	\$28.17	\$12.44
1864	1816	7000	8816	34.00	16.63
1865	1326	7466	8792	41.77	17.54
1866	1687	7495	9182	43.53	18.44
1867	2007	7377	9384	44.03	19.48
1868	2095	7535	9630	47.78	21.92
1869	2354	7895	10249	47.71	24.55

(Compiled from Superintendent's Reports)

Having shown the conditions of school support for the decade, the development of free school districts, so far as possible, will be indicated. The table which follows gives the total number of districts in the state for each year, and the number of these reporting free schools, *i. e.*, having no rate-bills.

Year	No. of Dist. in State	No. of Dist. Free	Percentage Free
1859	3968	1202	33
1860	4087	1785	43.6
1861	4203	2199	52
1862	4268	2364	56
1863	4382	2642	60
1864	4426	2662	60
1865	4474	2550 (est.)	57 (est.)
1866	4625	2503	54
1867	4744	2480	52
1868	4855		
1869	5052		

Figures for free school districts for the years 1865, 1868, and 1869 were unobtainable. The year 1870 began with all districts free from the rate-bill, so far as the reports reveal. As to free school counties, in 1869, 11 reported no rate-bills and 53 reported an average of \$1787.78 per county. The average amount paid to teachers in those counties where rate-bills were used was \$21,211. The percentage of the teachers' salaries paid by rate-bill in these counties was 8.4 per cent. Yet there were wide variations from this percentage. In Antrim County, the percentage was 13; in Berrien, 3.8 per cent., in Calhoun, 11.9 per cent., and in Hillsdale, 13.6 per cent. (Supt. Rept., 1869)

How well did pupils attend schools partly supported by rate-bills? The first evidence is that which comes from the rather imperfect statistics of the time. The state superintendent's office never compiled data bearing directly upon this problem. Hence information from this source will be subject to error. The first figures relating to this problem are for the years 1841 and 1842. Non-attendants of school age for these years were 3 and 10 per cent. (Computed from Shearman, 94) The record for 1841 is very good. The state superintendent said that ". . . not more than one-half of school attending children are in the habit of attending regularly summer and winter." (Shearman, 97) The non-attendants of school age (4-18) in 1846 were reported as 4,578, and it was estimated that 15,000 children lived in districts where they had no access to schools. (*Ibid.*, 134) In

1850, 125,218 children were counted in distributing the Primary School Fund interest, 102,871 of these were attending school, and 22,347, or 17 per cent., were non-attendants. Five *free* school counties out of eleven, in 1861, reported *increases* in attendance. But one of these was a new county and should probably be omitted. Four more, of the eleven, reported *no decrease* in attendance, while one reported a decrease. Excepting this one county, *all counties reporting decreases in attendance were rate-bill counties.* (Supt. Rept., 1861, 169-213, 216) In 1862, the state superintendent said "Such schools as are free testify that making their schools free has greatly enhanced their prosperity. The attendance is larger and more regular, the public sympathy is more generous, and the school is free from fluctuations caused by rate-bill panics." (Supt. Rept., 1862, 82) The following table will exhibit the enumeration and attendance for the state during 1861 to 1869. This group of years is taken, instead of 1860 to 1869, because in 1861 the school age limits were changed to 5 to ~~20~~²⁰ years. (Supt. Rept., 1880, 326-7)

Year	Enumeration	Attendance	Percentage attending
1861	252,533	202,504	80.2
1862	261,328	207,332	79.3
1863	273,620	216,144	79.
1864	280,772	215,736	77.
1865	298,607	228,629	76.6
1866	321,136	246,967	76.9
1867	338,244	243,161	71.8
1868	354,753	250,966	70.7
1869	374,774	269,587	71.9

It is believed that the figures for total attendance for these years are too high for the following reasons: (1) There seems to be no evidence that the figures for enumeration contain gross errors; (2) the superintendent reported many times that directors counted the same children twice in reporting attendance. It was estimated that in 1866 the total was about 15,000 too high. If true, then the approximate attendance in rate-bill schools would be the percentage given less the error due to duplication of names by directors. (See Supt. Rept., 1863, 23-24; 1864, 44; 1865, 39-42; 1866, 29; 1867, 124-5; 1868, 148) The school inspectors occasionally referred to this matter. Irregular attendance is an important item in these reports for 1864. (Supt. Rept., 1864, 73) The next year the superintendent said, "Another evil generally reported is irregularity of attendance, but that is a

fact almost everywhere so notorious, that a report upon it is hardly required." (Supt. Rept., 1865, 171 *et seq.*) In 1866, there were forty-five county superintendents in the state, as a result of a law enacted about that time. The superintendent of Eaton County referred to the ill "feeling and . . . considerable disturbance among patrons" caused by rate-bills. Very few of these men seemed to have been concerned much with the attendance problem, for it is but occasionally mentioned. (Supt. Rept., 1867, 22-118) In 1868, the state superintendent gave several pages of his report to discussing the evils of poor attendance, but he did not state the causes or remedies. (Supt. Rept., 1868, 12-18) Then he took up the continuance of the rate-bill: "There comes from nearly every Superintendent of the State an earnest protest against the rate-bill." Concerning this and attendance he wrote, "So long as the schools are free, they are usually well filled and prosperous, but as soon as the tax begins to bear upon it, the school wanes and dies." "The County Superintendents are a unit in their utter condemnation of the system. I doubt very much if a single teacher can be found who would not gladly sign a petition for the abolition of the rate-bill. Many of the township inspectors and district officers are loud in their denunciation of it, and the people demand a change." Referring to absenteeism caused by this, he continued: "The whole tendency of the rate-bill system is to increase and perpetuate this annoyance. It offers a reward for absenteeism. The rate-bill is made out for each pupil for the time of attendance. Every absence lessens this rate. So great is this influence on many, that they keep their children from school entirely. Others, if they wish the services of the child for a half day or a day, say it will lessen the school tax and they will have the labor. These considerations furnish ample excuse for retaining the boy or girl at home, and when the term ends it is found that the excuse has been made more than a score of times." (Supt. Rept., 1868, 18-37) *The evidence given thus far gives a real basis for believing that the use of the rate-bill was one large contributing cause to the decline in attendance and to irregular attendance.*

During the year 1863, the case of *Wall vs. Eastman*, involving the rate-bill, was decided in the Jackson circuit court. Wall, as moderator of the district, refused to sign a warrant for a rate-bill for teachers' wages. The teacher, being then unable to collect

her money from patrons, brought suit against the district, and the district was required to pay her and to levy a tax to get the money, such tax being levied on all taxable persons in the district. Eastman, who presumably had sent no children to school, was thus required to pay eight dollars additional tax, to help pay the teacher's wages. Eastman then sued Wall in justice's court to recover his eight dollars. The justice rendered judgment for Eastman. Wall then carried the case to the circuit court by certiorari. The decision was that Eastman could not bring such a suit against Wall, but if any suit could be brought, it could be brought by the district instead: "If any action accrued, it was in favor of the corporation of which the plaintiff below was a member, and not to him individually." Remembering that the Constitution of 1850 required the abolition of rate-bills within five years and that the legislature had failed to do this, we then have a case of a method of school support being considered *legal*, while it was presumably *unconstitutional*. This is valuable as showing the state of the government's attitude toward the question. True, it was not called upon directly to settle the question of the legality of rate-bills, but the mere fact that the suit was carried through as it was, is evidence that rate-bills were accepted by the court as a part of the established order of things. The case is also valuable as an evidence in another respect. It demonstrated that a rate-bill could be collected from the district by *taxation upon the property of the district*, as well as by collecting the various sums of tuition fees from the parents and guardians of the children who attended school. Of course, Eastman sought release from this, but failed because he, as an individual, had no legal right to bring such a suit. Even the words of the decision placed the responsibility upon the district—"the corporation of which the plaintiff . . . was a member"—and it also left some doubt as to the legality of the action of the collection of fees from the district in the words "If any action accrued." It may be concluded that, though the payment of rate-bills by property taxation might not have been sustained by the courts, public sentiment against such collection was not strong enough to force it to an issue. In other words, public opinion was changed enough regarding school support, that it was not actively opposed to property taxation for such a purpose. The decision seems to have had no important influences resulting from it.

One phase of the development of schools free from rate-bills was the rapid growth of such schools in towns and cities. These schools were variously known as graded schools, union schools, and sometimes included high schools. The first city of any size to attain this condition was Detroit. The incidents connected with this development in Detroit will now be related. The first step of a legislative nature in the evolution of Detroit's *free* schools is an act of the state legislature of April 23, 1833. By this law, the city of Detroit virtually became a school district with large powers to control its own schools. A body of officers known as commissioners were given administration of the law of the city. The voters were required to decide the amount of money to be raised for the schooling of poor children. Rate-bills were provided for, and also their forcible collection, if necessary, except when the children came from indigent families. The directors (commissioners) were to determine what children should be exempted. In general, the law provided that Detroit should be exempt from the provision of the state law concerning common schools, and governed by its own special act. (State Laws, 1833) The provisions are seen to be the same as those in the state law, with very few exceptions. A "branch" of the University, really of secondary grade, was established at Detroit about 1836. Private schools had been established, and also sectarian schools, before this time. In 1838 a public school was opened in the basement of a certain Methodist church. In 1841 a school for colored children was opened which had the use of a house free. Through the efforts of Dr. Zina Pitcher, one of the editors of the *Journal of Education*, the common council was induced to appoint a committee to investigate school conditions and report. They found 1,850 children "who ought to be in school at least one half of the year"; and 27 schools of all varieties within the city in which there were 714 pupils being educated at an annual cost of \$12,600 or \$18 per scholar. Dr. Pitcher then recommended that the common council, "with the assent of the freemen, petition the legislature to amend the city charter so as to give the council power to raise a fund for the support of the schools by direct taxation, and the freemen the right annually to choose at the charter election two persons from each ward as a school committee," with powers to act as a board of education. The press of the city urged the proposition. The council peti-

tioned the legislature and a public meeting was called by Dr. Pitcher and Father Kundig, a Catholic priest. Here the whole matter was thoroughly discussed. "It was urged that a school tax was the cheapest insurance that could be put upon property." The large property holders next got into action, and circulated a remonstrance which received many signatures, but which was headed by a man so illiterate that he made "his mark." Free schools became the issue of the election and a free school mayor was elected. Next a bill, drafted by Dr. Pitcher, was enacted into a law by the legislature; this was the first free school law of Michigan, becoming so February 18, 1842. The parts of this law have already been given and will not be repeated here. A board of education was elected and the free schools of Detroit began. (Wilkins, in Detroit School Report, 1870-72, 113-141; Shearman, 296)

The next development was a law enacted in 1843 providing that "Whenever the board of school inspectors of *any township* shall deem that the interests of any of the school districts may be best promoted by so doing, they may form a single district out of any two or more districts therein, and classify the pupils in such district into two or more classes . . . and raise the same amount of the taxes which the original districts forming the same could raise if not united." Jonesville, Flint, Coldwater, Marshall, and Battle Creek organized under this law. (Supt. Rept., 1880, 332) It is noted that this law did not require such schools to be free. The extent to which they were free will now be indicated. In 1858, Mr. Mayhew, state superintendent, sent this question to principals of union schools: "Is your school free, to the citizens of the district, or are its expenses met, in part, by a rate-bill?" Adrian Union School reported that it expended \$4,619 in teachers' salaries, of which \$2,309.55 was raised by rate-bills. At Bellevue, the "expense in part was raised by a rate-bill." Bronson, Cassiopolis, Coldwater, Dexter, Dowagiac, Fentonville, Flint, Grand Rapids, Jonesville, Niles and Port Huron reported the actual use of rate-bills. Ontonagon reported "It is intended to be a free school." Detroit and Ypsilanti reported free schools. Ann Arbor reported that the schools had been free since 1856 in all subjects except foreign language and music. Out of 17 graded school districts, of which 15 were legally so, *only 3 were free* in the sense that we know schools to be

free, and not one of them was entirely so.¹ For 1859 the development of this movement is shown in the following data:

Adrian.....	free	St. Clair.....	free
Ann Arbor.....	free	Sturgis.....	free
Battle Creek.....	free	Ypsilanti.....	free
Bay City.....	free	Charlotte.....	tuition and rate-bill
Cassiopeolis.....	free	Clinton.....	tuition
Coldwater.....	free	Dexter.....	rate-bills
Detroit.....	free	Monroe.....	partial tuition
Dowagiac.....	free	Plymouth.....	tuition
Fentonville.....	free	Jonesville.....	tuition
Eaton Rapids.....	free	Tecumseh.....	tuition
Flint.....	free	Lansing.....	free
Kalamazoo.....	free	Niles.....	free

Jonesville had voted taxes to make schools free, but assessors refused to make the levy. Coldwater reported "free for the current year." Charlotte reported that the intention was to make the school free. Here, then, were 18 *free* union school districts, and 7 with tuition and rate-bills. (Supt. Rept., 1859, 231-314) In 1859 a new law was enacted which referred to those districts. The most important change from preceding legislation, so far as it concerns our theme, is that included in the following section:

"Sec. 150. The said Trustees shall present at each annual meeting, a statement in writing of all the receipts and expenditures on behalf of the district, for the preceding year, and of all funds on hand, and an estimate of the amounts necessary to be raised by the district . . . for the support of the Schools of said district, for the ensuing year, and for the incidental expenses thereof; and the said district *may*, at each annual meeting vote such sums to be raised by tax, upon the taxable property of the district, as may be required to maintain the several schools thereof for the year." (School Laws, 1859, 219)

This was a step in advance, making it possible for any district so organized to levy sufficient taxes to make their schools free. In 1861 this law was amended so that districts with one hundred or more children could organize under its provisions. In 1862 five of these districts reported the regular use of the rate-bills, one a payment of a rate-bill of \$1.25 due from a previous year, and

¹ Legal graded schools were established as follows:

Adrian.....	1849	Grand Rapids.....	1848
Ann Arbor.....	1856	Jonesville.....	1844
Bronson.....	1858	Niles.....	1857
Coldwater.....	1853	Ontonagon.....	1857-8
Dexter.....	1856 (?)	Port Huron.....	1849
Dowagiac.....	1857	Ypsilanti.....	1848
Flint.....	1846	Detroit.....	1842

(Supt. Report., 1855-7, 433)

one that tuition was charged in the high school; *twenty-seven* others reported no use of the rate-bill. (Supt. Rept., 1862, 71-189) In 1865 there were 151 districts classified as belonging to this group, but the report gives no information as to the extent to which they were free. (Supt. Rept., 1865, 164-169) In 1866 the state superintendent wrote regarding these schools, "No fear of rate-bill for the poor . . . compel them to take their children from School." (Supt. Rept., 1866, 18) By 1867 the schools numbered 179. (Supt. Rept., 1867, 128) Just how many of these districts were using the rate-bill in 1869, when its use in the state was abolished, is not known, but it is very probable that, if there were any, the number was very small. This movement may now be summarized. In 1842 Detroit schools were made free. In 1843 consolidation and grading were provided for by law. In 1858 out of 17 such districts 3 were *free* school districts. The next year 18 out of 25 were districts *free* from rate-bills. In 1859 it was made legal for all such districts to levy enough taxes to make their schools free. In 1861 the law was amended to apply to districts with as few as one hundred children. In 1862 but 5 of the 32 reported regular use of rate-bills. In 1865 the total of these districts was 151. The next year, the state superintendent considered practically all such schools as free from rate-bills.

The development of graded schools (union schools) has now been indicated up to that year when the legislature decreed that primary schools should be free (1869), but this is not all of the story. Although primary schools were to be publicly supported, the right to use public money to support instruction of a higher grade, and also to employ a salaried superintendent was questioned. It found its expression in a suit brought by Charles E. Stuart *et al. vs.* School District No. 1 of Kalamazoo. The questions at issue were stated by Thomas M. Cooley, the eminent jurist, and member of the state supreme court where the case was settled.

"The bill in this case is filed to restrain the collection of such portion of the school taxes assessed against complainants for the year 1872, as have been voted for the support of a high school in that village, and for the payment of the salary of the Superintendent. While, nominally, this is the end sought to be obtained by the bill, the real purpose of the bill is wider and vastly more comprehensive than this brief statement would indicate, inasmuch as it seeks a judicial determination of the right of the school authorities of the State, to levy

taxes upon the general public for the support of what in this State are known as high schools, and to make free by such taxation the instruction in other languages than the English. The bill, is, consequently, of no small interest to all the people of the State, and to a large number of very flourishing schools, it is of the very highest interest, as their prosperity and usefulness, in a very large degree, depend upon the method in which they are supported, so that a blow at this method seems a blow at the schools themselves. The suit however is not to be regarded as a blow aimed purposely at schools. It can never be unimportant to know that taxation, even for the most useful or indispensable purposes, is warranted by the strict letter of the law; and whoever doubts its being so in any particular case, may well be justified by his doubts in asking a legal investigation, that, if errors and defects in the law are found to exist, there may be a review of the subject in legislation, and the whole matter be settled on legal grounds, in such manner and on such principles as the public will may indicate, and as the legislature may prescribe."

Two reasons were given by the plaintiff why such taxes should not be allowed. The first was that, even though other districts were legal, the Kalamazoo district had no legal existence, inasmuch as it had not complied with the constitution and the law by having a popular vote upon establishment of a high school. Numerous citations showed that it was not conceded within the law for a single individual to attack the life of an incorporated association, such as a municipality or district, although it could be legally done by a majority of the residents of such a corporation. Further, the state law had provided that whenever a district had exercised the functions of a district for two years, it was to be considered as a legal district, and that Kalamazoo had exercised such functions for thirteen years. (Laws, 1871, sec. 3951) The other contention was that "the general course of legislation in the state and the general understanding of the people had been such as to require us to regard the instruction in the classics and in living modern languages in these schools, as in their nature not of practical and therefore necessary instruction for the benefit of the people at large, but rather as accomplishments for the few, to be sought after in the main by those best able to pay for them, and to be paid for by those who seek them and not by a general tax. And not only this has been the State policy, but this higher learning of itself, when supplied by the State, is so far a matter of private concern to those who receive it that the courts ought to declare it incompetent to supply it wholly at public expense." The justice then reviewed the history of education in the state from the early territorial period till after the adoption of the second constitution

in 1850. He found the evidence in the main as follows: (1) The attitude of the people of the territory under the ordinances of 1785 and 1787 was most liberal towards education; (2) the Territorial Act of 1817 establishing the Catholepistemiad showed the "general purpose . . . that throughout the territory a system of most liberal education should be supplied at the public expense for the benefit of the whole people"; (3) the territorial township school law of 1827 required townships of certain size to maintain teachers able to instruct in foreign languages and inflicted a penalty for non-compliance with law; (4) from discussions in the constitutional convention of 1850, it was shown that many primary districts gave such advanced instruction at public expense.

Some other laws were referred to but these were the most important. Nothing was said about the free school law of 1869. After giving this evidence, the justice continued, "If the facts do not demonstrate clearly and conclusively a general state policy, beginning in 1817 and continuing after the adoption of the present constitution, in the direction of free schools in which education, and at their option the elements of classical education, might be brought within the reach of the children of the state, then it seems to us, nothing can demonstrate it. We might follow the subject further and show that the subsequent legislation has all concurred with this policy. . . ."

The general conclusion of the whole case is then given: "We content ourselves with the statement that neither in our state policy, in our constitution, or in our laws, do we find the primary school districts restricted in the branches of knowledge which their officers may cause to be taught, or the grade of instruction that may be given, if their voters consent in regular form to bear the expense and raise the taxes for the purpose." "The other justices concurred."

The case was decided July 21, 1874, and has been quoted in cases before courts in other states. The writer prefers a different statement of one phase of the conclusion, after examining the history of education in Michigan. *In the first place, not all the laws that concerned schools sanctioned the complete support of them at public expense. The long list of rate-bill and tuition laws, already indicated, shows this. Such were the laws of 1829, 1843, 1850 and 1859, and the special law of 1833 for Detroit. This mass of evidence must*

not be overlooked and as it is a part of the state's history, it should be considered as evidence, just as well as the law of 1817, or of 1833, or the constitution of 1835. The "branches" of the State University charged tuition fees. We cannot then accept the statement that there was "a general state policy beginning in 1817 and continuing until after the adoption of the present constitution, in the direction of free schools. . . ." In fact, the general state policy was just about as often the reverse of this. No doubt many pioneers brought to Michigan the belief in the need of schools, but many of them were more familiar with rate-bills than with schools completely free. The ideals of some of the leaders were that schools be free. So the result in Michigan, in theory and in practice, was a school system and a school policy embodying the free school policy and also the rate-bill school policy.¹ Then, as the people grew in experience, ideals changed and the free school idea became stronger until it became well stated in the constitution of 1850 and was realized in practice for the first time in 1870, after the enactment of the free school law in 1869. In all other respects, it seems that the facts were just as the justice stated. The results of the case of Charles E. Stuart *et al. vs. District No. 1 of Kalamazoo* were that (1) free high schools were recognized as legal, (2) support of a school superintendent was declared legal, (3) since that time, public support of these factors has not been seriously attacked in Michigan.

We have now reached a place where the events culminating in abolition of rate-bills may be related. In 1862, the state superintendent pointed out that the state was raising enough funds to make every school in the state free for four months and a half in the year, but that the system of distribution of the proceeds of the two-mill tax made it impossible to realize this condition. By this so-called township tax, each district received from the tax just what it had paid. For example, let us assume the following conditions in one township: It has six districts, and the total proceeds from this tax for the township are \$900 in one year. The sums collected and paid back to each district are respectively \$100, \$75, \$200, \$250, \$175 and \$100. Each district must hire a teacher, at approximately the same cost. If each district re-

¹C. O. Davis (*Public Secondary Education*, pp. 193-196) refers with approval to the views of Judge Cooley, notwithstanding the evident facts about the school policy of Michigan.

ceived from this tax \$150, it would then be enabled, with other resources, to eliminate rate-bills. But three of these districts do not receive \$150 and are required to raise, by some means, \$50, \$75 and \$50. Having done this by the rate-bill, they proceed to do this now. While the illustration is assumed, the conditions were real. The total wages paid teachers in 1862 amounted to \$491,293. All resources for meeting this expenditure, except rate-bills, totaled \$471,233. This left \$20,060 actually needed to make schools free for the time that they were conducted that year. But \$43,202 was actually raised by rate-bills for this purpose. (Supt. Rept., 1862, 82) Here, then, as early as 1862, the people of the state were compelled by a poor method of distribution of school support to pay about twice as much in rate-bills as they would if collected taxes had been distributed upon the township basis and need per school basis. After reviewing this situation, the state superintendent said: "Has not the time come to put the Constitution in force and require every district in the state to keep its school open three months in the year without charge for tuition?" (Supt. Rept., 1862, 82)

In the message of Governor Moses Wisner, January 1, 1861, occurred a statement of peculiar interest. He said, "That clause in the Constitution which declares that it shall be the duty of the Legislature to 'provide for and establish a system of primary schools whereby a school shall be kept, without charge for tuition, at least three months in the year' has been fully in effect, and we are now realizing the benefits of that clause in the organic law." (Joint Doc., 1869, 9) In the same year, the average length of school term was 6.2 months, but not entirely free for that period. Over \$67,000 was raised by rate-bills. Out of 4,094 districts 1,785 had free schools. The only sense in which his statement could have been true was that all districts had free schools for at least three months, but even on this point there seems to be no evidence to bear out the statement directly. It might be said, however, that comparison of public support of schools with rate-bill support showed enough public support to maintain free schools for three months. Yet this would not mean that schools were free as he indicated. These inferences seem justified further by the statements of the state superintendent just given in a preceding paragraph, concerning conditions in 1862.

The evil of inequitable distribution of funds is again made evi-

dent by the state superintendent in 1863. He showed that with a better mode of distribution, every teacher in the state could have been paid out of public funds and yet have left a balance of \$7,159.90. As it was, 1,740 districts paid \$41,200.54 in rate-bills—"Were cursed with the odious rate-bills." "And the evil wears a sadder aspect, when we reflect that, for the most part, the heavy burden of these rate-bills falls upon the small and feeble districts which are the least able to bear them." The recommendations concerning distribution of the two-mill tax were repeated by the superintendent. (Supt. Rept., 1863, 72)

A relation between free schools and patriotism was indicated when the superintendent argued that free schools and school-taught people of the North would save the nation. (Supt. Rept., 1863, 72)

The messages of the governors from 1865 to 1869 exhibit, in the main, indifference to this problem. Governor Austin Blair's message of January 4, 1865, contained the following:

"There have not been brought into the free schools all those children of the poor who ought to come there; quite the contrary. . . . Even the rate-bill did one good thing that it aroused the attention of those upon whom it was levied." (Joint Doc., 1865, 14)

In spite of the fact that Michigan was one of the last states to abolish the use of the rate-bill, Governor H. H. Crapo's message of January 2, 1867, contained the following statements:

"Although our system of education . . . may not be free from serious defects, yet I think we may justly pride ourselves upon the very liberal views adopted by us, as a people, on this subject . . . ; for there are today, I believe, very few States in the Union where the cause of popular education receives more favor and support than in Michigan." (Joint Doc., 1867, 40)

In the two messages of Governor Crapo and H. H. Baldwin, in 1869, no mention is made of the need of free schools.

In his report for 1868, the state superintendent made the most concerted and organized attack upon rate-bills as a means of support, in all the history of the matter in Michigan. Quotations will be given from his attack.

"This has an exceedingly pernicious influence upon the schools. From the reports which are sent from every part of the State, we learn that great inconvenience is felt from the rate-bill, very many schools are nearly broken up by it." "There comes from nearly every Superintendent in the State an earnest protest against the

rate-bill. The educational interests of the State demand that the question of free schools shall have the immediate and earnest attention of our legislation." The superintendent then introduced the results of an investigation and some other material from the Annual Report of the State Board of Education of Connecticut for 1868. The essential argument of the whole material was that "The greatest hindrance to the improvement of our schools, is the rate-bill." This was supported by opinions from various state superintendents, all in favor of free schools. After presenting seventeen pages of material in his attack, the superintendent closes with these words:

"I cannot doubt that the present Legislature will proclaim to the world that our public schools shall be as free as the air we breathe. Nothing could be done that would more surely attract industry, intelligence and wealth to us than to make our schools free. . . . Let not the 'odious rate-bill' be left to mar this prosperity or blight the future so full of promise." (Supt. Rept., 1868, 18-37)

This attack was made by a man who earlier in life expressed some doubt as to the real value and benefit of free schools, Oramel Hosford. The report was made direct to "The Honorable Legislature of the State of Michigan," December 10, 1868. On the twenty-fifth of January, 1869, Senate Bill 99, to provide free schools, was introduced. It was immediately referred to the Senate committee on public instruction.

Seventeen days later, the committee reported as follows:

"The Committee on Public Instruction . . . beg leave to report the object to be obtained by said bill, is to provide for free primary schools, by abolishing the rate bill in this State, and your Committee deem the subject one of very great importance, and one that commends itself to the good sense, intelligence and wisdom of the people. If your Committee are correctly advised, there are now only three States that cling to the rate-bill system by which to raise deficiencies that may be due for teachers' wages, and the expenses incident to a term of school in any one district (where the generosity and patriotism of the taxpayer may not have provided for a free school) and your Committee are of the opinion that Michigan, one of the said States, and the only western one, ought not to be the last to abandon this cumbrous and anti-republican practice, but should with commendable promptness hasten to blot from its statutes this most incongruous and inharmonious machinery. It has been made to appear to your Committee that many districts in the State have already 'wiped out' the rate-bill mode of meeting deficiencies for school purposes; and recognizing the truth of the maxim that 'the property of the State ought to educate the children of the State; at least in the elementary branches peculiar to our primary system,' your Committee desire to take immediate hold of that

principle, and make it effective in its application to the schools of Michigan;" "Your Committee are advised that whenever the rate-bill is not in use, and the schools are free, the attendance is larger and more regular, the schoolrooms are better filled, and the schools are in a more prosperous condition; that when the same bill is resorted to, in order to meet deficiencies, the practice obtains to send to school only so long as the public money pays the expense, and when such funds are exhausted, the scholars are rapidly withdrawn for fear of the specific tax, the collector, and the execution in case of poverty; and no wonder the schools under such a *régime* languish and die outright. The action involved in the rate-bill is one we believe to be wrong in principle and, as a matter of course, extremely injurious in practice; and it is more clearly a part of economy, to say nothing of justice, that the State shall furnish equal primary school advantages to the children of all classes, as regards wealth or station. . . . "

"Your Committee find the bill under consideration proposes to provide for five months free school, in such districts as may have twenty or more children therein, over five and under twenty years of age; and a three months school in other districts, as now required by law; and that the funds for the support of such shall be raised upon the taxable property of the district; and this deemed a fair and just mode of making the schools free."

P. R. L. PIERCE, *Chairman.*

Sentiment in the Senate was favorable and after the bill had been recommended to the committee on public instruction twice, it came to a vote in the Senate, March 2, resulting in nays, 0; and yeas, 25. It was immediately taken up by the House and after a second reading referred to the House committee on education. Two days later, the committee reported and recommended that the bill be enacted *without amendment*. This was most promising. The next day it was recommitted for amendment. It was twice amended and twelve days after being received by the House it came to a vote, resulting in nays, 9; and yeas, 71. This showed sentiment for free schools strong in both branches of the legislature, but most strong in the House as shown by the demand for an amendment. This provided for *nine* months *free* school in districts having 800 or more children, and not less than five months in districts having 30-800 children five to twenty years of age. In this form the bill went back to the Senate, where an attempt was made to amend closely to the original wording of the bill. A Senate vote on the House amendment lost by 1 yea and 21 nays. The Senate insisted upon its demands and a conference committee was appointed which recommended the following: 3 months' free school in districts having less than 30 children; 5 months in districts of 30 to 800;

and nine months in districts having 800 or more children. On April first, the bill went to the governor and was approved by him on the third. Thus after nineteen years the constitutional provision was fulfilled by a tardy legislature, and the public schools of Michigan changed from rate-bill schools to schools supported by property taxation. (House and Senate Jour., 1869) The more important section of this law is here given:

Sec. 24 (2267). "They (the voters) shall also determine, at such annual meeting, the length of time a school shall be taught in their district during the ensuing year, which shall not be less than nine months in districts having eight hundred children over five and under twenty years of age, and not less than five months in districts having thirty to eight hundred children of like ages, nor less than three months in all other districts, on pain of forfeiture of their share of the two-mill tax and primary school fund, and whether by male or female teachers, or both, and it shall be the duty of the district board to estimate the amount necessary to be raised in addition to other school funds, for the entire support of such school, including fuel and other incidental expenses, and previous to the second Monday in October, make a written report of the amount so determined, to the supervisor of the township in which any said district or part of said district may be situated; and the same shall be levied, collected and returned in the same manner as township taxes. A school month, within the meaning of this act, shall consist of four weeks, of five days in each week, unless otherwise specified in the teacher's contract."

The law left to the local option of voters the length of the term of school within the limits set by law, selection of teachers as to sex; it was required of the district board that they make estimates of school expenses and levy enough tax to make the schools free for the time they are in session. A penalty for failure to make the school free was the loss of the district's share of the two-mill tax and the interest from the Primary School Fund. The district board was empowered to admit non-resident pupils and fix and collect tuition from such pupils. The two-mill tax was retained, and the mode of distributing it was unchanged. The assessor was liable to the district, if he failed to assess this tax or other needful taxes to make schools free.

EXTENSIONS AND CHANGES FROM FREE SCHOOL LAW OF 1869 TO PRESENT: THE QUESTION OF FREE SCHOOLS IN LATER CONSTI- TUTIONAL CHANGES

The provisions of the constitutions of 1837 and 1850, and the incidents connected with their adoption have already been recounted. The constitution of 1850 required the legislature to submit the proposition of making a revision in the constitution to a popular referendum vote every seventeen years. The proposition was submitted in 1866, 1882 and 1907, and a constitutional commission of 18 was appointed in 1873 to prepare amendments. The vote of 1866 was affirmative and a convention recommended important changes; but when the new document came before the people for ratification it was rejected. No convention was held in 1882, for the referendum was negative on the proposition. The work of the commission of 1873 was submitted to referendum vote in 1874 and overwhelmingly defeated. The referendum of 1907 was affirmative and an amended constitution was submitted and ratified in 1908.

In each of these attempts to change the fundamental law, the section on free schools came up for discussion. It will be recalled that the constitution of 1850 made it incumbent on the legislature to establish free schools, which it finally did after nineteen years, instead of five. But that section remained in the constitution until a new document became law in 1908–1909.

An examination of the discussions in the convention of 1867 reveals the fact that *no person* spoke *against* free schools. The opposite was true in 1850, for at least two men declared free schools excellent in theory but impossible in practice. No one opposed free schools, openly at least, because of fear of taxes upon property. The real fight centered upon other features, but the free school proposition really became the most discussed of any section in the whole article on education.

On May 23, 1867, two resolutions were introduced bearing on this matter, one of which precipitated a spirited fight. This resolution read as follows:

" . . . that the Committee on Education be instructed to inquire into the expediency of incorporating into the new constitution, section 3, of article 13, of the present constitution, relative to primary schools. . . ."

The section referred to not only required that a school be maintained for at least three months in each district, but it provided a severe penalty for any district failing to do this. The penalty was total loss of all public revenue. This proposition, and others brought forward to lengthen the period to four, six, eight, and nine months stimulated a discussion of the advisability of retaining the provision regarding the penalty. It was argued that those districts which had least population would be unable to conform, and hence would be injured instead of helped by the provision. In reply it was said that most districts of small population had sufficient valuation to maintain schools, and that the penalty should be retained, not as a means of injury, but as a means of overcoming local indifference and stimulating local activity and interest in the maintenance of schools. Finally, after much discussion Mr. Lothrop explained the meaning of the provision as understood by the committee on education: " . . . I would say that the expression 'neglecting to maintain such school' does not apply to those places where by reason of casualty, or any other circumstances beyond the control of the district, the school is not kept. Neglect implies criminal omission of certain duties. . . . Reading the section in this view, it seems to me that the provision is wise and just, and should commend itself to the approval of the Committee." (Committee of the Whole)

About twenty amendments and changes in amendments were proposed before an agreement was reached. One member made an eloquent defense of free schools and warned against any possible retrograde movement. He recounted many of the arguments previously made and said that the people would not submit to a backward step in this matter. The section as finally agreed upon reads as follows:

"The legislature shall provide for a system of primary schools, by which a school shall be maintained in each school district, in the State, free of charge for tuition, at least *four* months in the year. . . ."

This differed from the provision of 1850 in two respects: (1) In the constitution of 1850 the system was to be provided within

five years; and (2) the schools were to be maintained at least three months. After all the discussion, the whole constitution was rejected by referendum vote upon it. The whole proceeding is significant in that it shows that *opinion had crystallized unanimously in favor of free schools.* (Debates in the Constitutional Convention of 1867)

In the work of the Constitutional Convention of 1873, no fight was aroused. However, two changes were proposed. First, the minimum period for maintaining a free school was to be fixed, again, at three months; second, the clause referring to penalty for failure to maintain schools was to be amended so that any such districts would lose their share "of all funds arising from general taxes for the support of schools." Funds raised by the district, itself, if not a part of a general tax, would not be subject to the penalty provisions. It is of interest to note that four years after free common schools had been established and after the average term of school was much above three months, a law was proposed to lower the required minimum below the actual minimum in almost all sections of the state. (Constitutional Commission Jour., 32)

The convention of 1907 took much time discussing the article on education, but no opposition of any extent developed against any general provisions. Section 9 of Article XI of the proposed constitution was finally agreed upon, and is herewith given.

"The legislature shall continue a system of primary schools whereby every District in the State shall provide for the education of its pupils without charge for tuition; and all the instruction in such schools shall be conducted in the English language. If any School District shall neglect to maintain a school within its borders, as prescribed by law, for at least five months a year, or to provide for the education of its pupils in another District, or districts for an equal period, it shall be deprived for the ensuing year of its proportion of the primary school interest fund." (Journal, Constitutional Convention of 1907)

Some features are worth especial notice as they appear here. The phrase "shall continue" recognizes the existence of free common schools by legislative provision of 1869. The provision and maintenance of free schools are made mandatory by the fundamental law of the state. The minimum school period is fixed at five months for each district during each year. Penalty for non-compliance is fixed at loss of the district's share of income from the Primary School Fund for the "ensuing year."

Inasmuch as this proposed constitution was ratified by popular referendum vote, this incorporated the free school principle in the Constitution. Forty years before, a free school law was enacted. The Constitution of 1850 placed the duty of making schools free within five years upon the legislature; the Constitution of 1909 made the continued existence of free schools obligatory upon the people of the state.

THE EXTENT TO WHICH SCHOOLS OF MICHIGAN ARE NOW FREE

After the passage of the School Law of 1869, which in its application abolished the remnants of rate-bills, other extensions of the free school principle began to appear in legislation. It had taken many years to place the free school law upon the statute books, but when once there it was backed by well-crystallized public opinion favorable to free schools. By 1870, free schools in Michigan meant schools of elementary and secondary grade, open to persons of school age residing within the district, without charge for tuition, and in which no sectarian instruction was given. In 1871 another characteristic was added, *viz.*, that pupils must attend school for certain periods of each year and for a limited number of years. In the same year still another feature was added. "The district board may purchase, at the expense of the District, such school books as may be necessary for the use of children whose parents are not able to furnish the same." (Laws, 1871, 251, 274) In 1889 the district board was authorized to furnish free text-books for all when the voters had authorized a tax levy for such purpose. (Act 147) In 1901, the township board of trustees was empowered "To admit all children of the township above the sixth grade, and to admit and provide rates of tuition for non-resident pupils, if they so elect," to township high schools. (Act 144, 1901) The laws of 1903 made an extension of free schools as they concern training of teachers. It was provided that counties not having a normal school within their borders might, under certain restrictions, receive permission from the superintendent of public instruction, "to establish, maintain, and control county normal training classes for the purpose of giving free instruction and training in the principles of education and methods of teaching to residents of the county." (Act 241, P. A., 1903; School Law, 1913, 169) By Act 224 of 1905, a school district was empowered to establish free day schools for the deaf, if the state superintendent gave permission. Where such schools are maintained the district shall be reimbursed for their expense from the state

treasury. A notable change was made in 1907 by a law providing for free county schools of agriculture. They were to be established by the county and were to give instruction in agriculture and domestic economy. They are free to all persons, regardless of age, and they constitute an attempt to do something similar to what is done in the Folk High School of Denmark. (Act 35, 1907) Free tuition to pupils of high school age when such pupils reside in a district not having a high school was provided in 1909. This part of the law was obligatory. It further empowered voters to authorize payment of transportation expenses for such children. (Act 65, 1909)

A writer in the Michigan *Journal of Education* in 1853, and Oramel Hosford (who later became state superintendent) expressed their doubts as to the wisdom of providing free schools and held it incompatible with free democracy to compel attendance at schools. These changes have both come, and one still further in 1911. By this law provision is made to keep the children of the indigent in school, by furnishing "relief" to the parents or relatives who are dependent on children. This is done by furnishing free text-books, "in addition to such other necessary assistance or support." The limit of this expense is three dollars a week for one child and not more than six dollars for a family. (Act 198, 1911) In the same year, the recent movement for vocational schools resulted in an act granting authority to establish and maintain "trade, vocational, industrial, and marine schools," and "to defray the cost and expense thereof by a general tax upon the taxable property of the school district." (Act. 22, P. A., 1911; School Laws, 1913, 171) The state also maintains free institutions for defectives and dependents, and incorrigibles. The normal schools, State University, and Agricultural College charge tuition.

PART III

INFLUENCING FACTORS IN THE DEVELOPMENT OF FREE SCHOOLS

POPULATION ELEMENTS

In both states the predominant element from 1800 to 1870 was of English ancestry. Hence, we find many evidences of the educational system of apprenticeship, and the wide variety of types of school support including several common in England. Endowments and tuition are examples. Taxation for apprenticeship by the law of 1603 in England is again found in the Poor Law of 1795 for the Northwest Territory. In Connecticut some schools seem to have been free in colonial times and these same people knew of free schools in England. The English attitude toward universal education in the rudiments, that it was largely a matter for each individual parent to manage and support, still existed in both states far into the nineteenth century. Even Henry Barnard held a belief somewhat akin to this.

The fact that English was the predominant language is important. In both states there were groups of French Canadians. We find the superintendent of schools of Connecticut repeating complaints about the general indifference of this group towards education. No such record appears in Michigan. Yet had they been in the majority they would have constituted a factor to be taken into consideration.

From 1850 to 1860, aliens and people of alien birth came into Connecticut in large numbers. (See Appendix, Table I) During the same decade this element began to increase in Michigan. In both states the alien group helped to increase illiteracy. The ratio of illiterates for Connecticut was about four native born to five alien born, notwithstanding the larger proportion of native born in the total population. In Michigan the ratio of illiterates was very similar. These illiterates constituted a living example of the need of more universal education. And the existing schools being unable to handle them, a demand arose for schools that

could do more with the problem. As long as schools charged tuition, many of these people could not, and would not, send their children to school. And as long as no facilities existed for adult education, the adult alien illiterates were not affected. Schools using rate-bills could not well cope with the problem of illiteracy. What was true of these schools and alien illiterates would also be true concerning any other group of illiterates.

The number of negroes, both free and slave, was small in both states. The census for 1830 reported thirty-two slaves in Michigan, notwithstanding the prohibitory clause of the ordinance of 1787. The same census reported twenty-five in Connecticut, and in 1840 but seventeen. Free negroes never exceeded 10,000 in Connecticut during the period, and in 1853 there were but 3,336 in Michigan. Two questions are involved. First, would the presence of either free or slave negroes constitute a factor of influence in securing free schools? Second, granting that these elements had an influence, was the number of negroes sufficiently large in either state to exert such an influence? In answer to the first question, we may note the following conditions: (1) Either slaves or free negroes helped to increase illiteracy; (2) slavery, *per se*, does not seem to have been a retarding or a favoring factor in free school development in some slave states. (See Knight, *Influence of Reconstruction on Education in the South*) (3) It is known that in Connecticut a hostile feeling existed against negro children attending schools taught by white women. This is shown by the Crandall incident of 1833, and the resulting legislation. (See Johnson's *Connecticut*, 370) However, the law of 1868 giving negroes equal free school privileges shows a change of sentiment due to the Civil War. (4) No evidence has been found that these elements constituted a factor of importance, either pro or con, except so far as they increased illiteracy. In answer to the second question, it may be said that as late as 1870 only about one fifty-third of Connecticut's population was negro. It does not seem possible that they could have exerted much influence either way. It seems, then, that excepting illiteracy, these elements constituted a negligible factor in the free school movement in both states.

How did urban and rural elements of population affect free school development? In Connecticut some of the first evidences of free schools, in 1800-1870, appeared in urban localities.

Middletown, Hartford, New Haven, Bridgeport, Meriden, Bristol, Norwich and Collinsville are examples. In Michigan the first free school law was enacted for the city of Detroit. Further, in the Constitutional Convention of 1850 some of the arguments against a state tax for free schools came from rural sections of the state. Many urban communities had free schools by 1867. The rural sections used rate-bills in 1864 in 40 per cent. of their districts; in 1866, in 46 per cent.; and in 1867, in 48 per cent. From 1859 to 1867, the percentage of rate-bill districts, rural and urban, averaged 48, but when many cities had secured special legislation for union districts, graded and high schools, and free schools, the rural communities yet retained the rate-bill. It was the urban communities that forced the issue of secularization of school support in 1850-1853, which caused the state to flatly declare that free public schools were not sectarian schools. The consolidation law of 1859 was an answer to the demand of urban communities, and the same localities were the first to develop free schools of secondary grade. In both states the urban population was most aggressive for free schools, and secured such schools, as a general thing, before the rural sections.

It has been shown that the state of Michigan was peopled very largely by settlers from New York, Ohio, Vermont, Pennsylvania, Massachusetts, Connecticut, and New Jersey. New York, Pennsylvania and New Jersey were represented by 148,870 in 1860, and the New England states by 30,923. Vermont led from New England, and New York from the Middle States. There are some evidences that educational conditions in these states influenced the movement for free schools in Michigan. First, rate-bills were in use in Connecticut, New Jersey, New York, Pennsylvania, and in Ohio until at least 1853, and probably later. So we find Michigan adopting this method of support in the law of 1829. Second, in all the states named a small district system was in operation and we find it also in Michigan. Third, the New England states had a town system of local government, and we find certain features of this embodied in the Michigan township and school district. In such states as New York, Massachusetts, Vermont, Connecticut, New Jersey and Ohio, there was a quite prevalent belief, held for years, that each community should have a school. So we find the same belief in Michigan. People who came into Michigan from Connecticut

knew about the use of a state school fund and difficulties in the use of rate-bills. A larger portion of those from Massachusetts and Vermont would know about schools free from tuition charges. We find a state superintendent in New York in 1813 and a very weak state board and secretary in Connecticut, and in Massachusetts in 1838. A similar office was established in Michigan, but the example of Prussia seemed to be the model suggesting it.

A good example of direct transplanting of educational practices is found in the Vermontville colony in Eaton County, Michigan. This settlement was composed of people from East Poultney, Vermont. They purchased their land "with Michigan, a church, and a school in their minds." During the very first year this colony had its schools, held in the log cabin of one family. Shortly after a log schoolhouse was erected and school was maintained for seven months in the year. (Mathews, 230) Another example is the Michigan school law of 1827, which places upon every community the responsibility of maintaining a school, said law being largely a copy of the Massachusetts law of 1647 and the Connecticut law of 1650. "Of the 100 members of the Constitutional Convention of 1850, 81 were natives of New England and New York." (Putnam, 204) The superintendents of public instruction represented the following states: Pierce—New Hampshire, New York, Massachusetts, and Rhode Island; Sawyer—Massachusetts; Mayhew, Shearman, and Gregory—New York; Hosford—Vermont. Thus all of these men came from New York and New England. (Supt. Rept., 1880, 425, 427, 428, 430, 431; McLaughlin, 34) These evidences show considerable general influence from New England and New York. If we select a few leaders who strongly favored free schools we find them from the same states. Pierce, Crary, and Hosford are examples.

These states influenced the development of free schools in Michigan as follows: (1) by transplanting the idea that schools must be supplied; (2) by bringing into Michigan the rate-bill and public tax as means of school support; (3) by establishing certain elements of local control in schools; and (4) by contributing important personalities.

In both states some phase of the religious question became involved in matters concerning public schools. In Connecticut before the Revolution, the clergy of the dominant church had

considerable control over schools, often selecting the teachers. But before the Revolution, other sects were increasing and this control decreasing. Greene maintains that general secularization of government was accomplished by 1820. (*Religious Liberty in Connecticut.*) In 1791 the question of disposing of the land in the Western Reserve came before the legislature. It was then proposed that the land be sold and the proceeds given to the ecclesiastical societies to pay their ministers. A somewhat similar bill was reintroduced in 1793 which failed to become a law, and another was introduced to give the money to the societies for the ministry and for schools. This caused much discussion pro and con. In 1794 it came up again. When finally settled, the money was given to the schools as a permanent fund. Nothing was given the ministry. Here, then, the issue of secularization was fought and won. Money was granted for schools supported and controlled by the public, but nothing for any religious denomination. (Barnard, *Am. Jour. of Education*, 6: 367-425) At no later time did a similar question assume importance in Connecticut.

In Michigan the problem of religion and the schools appeared in three forms: (1) in the claim that the State University was irreligious; (2) regarding religious instruction in the schools; and (3) in the demand of certain sects for a share of the public funds to support their schools. The third only is germane to our discussion. The demand for such sharing of funds came from cities, very largely from Detroit. No evidence appears to show that the Catholics opposed the establishment of free schools in Detroit but, on the contrary, Father Kundig, "a most influential and estimable Catholic priest," was a leader for free schools. Knowing that this church has always insisted on direct teaching of religion, we have strong reason to believe that Father Kundig would not have lent his support to the movement if he had known that such instruction would ultimately be eliminated from the schools. (Detroit Report, 1870-1872, 121) In 1844, the reading of the Bible as a text-book in the schools aroused vigorous discussion and protest. If all had been Catholics, or Presbyterians, or some one other sect, there might have been agreement. But we have shown that this was not the case. Not even the single largest church membership in Michigan (Methodist) could be considered a dominant factor. As it was,

the "lines were drawn openly between Protestants and Catholics." "The excitement ran so high that citizens on both sides did not hesitate to declare openly that unless their particular views were carried out in the matter they would gladly see the entire school system swept away from the city." The board of education, in 1845, resolved that teachers might read the Bible without comment, and if they did comment they were to be removed from school. (*Ibid.*, 125) In 1852, certain additions of territory were made to the city, the population of which was mostly Catholic. This was also the occasion of remodeling the city charter. The Catholics then demanded a share of school money for their own schools, urging that the public schools weakened "the fealty of the child to the doctrine of the Catholic Church." (*Ibid.*, 128) The city press took up the matter. It was answered that it was not a part of the government's duty to foster a state religion or any religious doctrine by taxing people to support teachers of religion. A prominent leader of the Catholics was J. O'Callaghan. The matter was finally carried to the state legislature, as well as to the local election in Detroit. In the latter, the Independent (secular) ticket was elected by 2,000 majority, which settled the question of division of funds in Detroit. The attitude of the世俗者 was stated by Levi Bishop, president of the board of education, as follows: "Secular education, when conducted as ours is, is *not injurious* though unaccompanied by positive religious agencies. It purifies the soul and cherishes the most ennobling sentiments; while to place our schools under positive religious agencies would be placing the youth of the nation, and, very soon after, the nation itself, under ecclesiastical supremacy. What have public schools to do with religious or sectarian peculiarities? As well might you teach in school the partisan creeds of the day, instead of a lofty and universal nationality. If there be any religious denominations who are willing to admit that parental and family instructions and example, the church and its officers, during three-fourths of the time, are not able to withstand the silent heresies of horn-books and grammars during the other fourth they will find it difficult to persuade many that their religion is the special favorite of heaven." (Supt. Report, 1853, 161)

This controversy was given state-wide significance by its being taken to the legislature. A "Memorial—relative to the division

of the School Fund" was there presented. It is in this connection that it comes into most vital relationship with free schools. Note the words of the petitioners: ". . . notwithstanding the Constitution guarantees liberty of conscience to every citizen of the State, yet our Public School Laws compel us to violate our conscience, or deprive us unjustly of our share of the Public School Funds, and also impose on us taxes for the support of schools, which, as a matter of conscience, we cannot allow our children to attend." Attention is then called to the fact that in Monroe and Detroit 2,500 children are educated at the expense of their parents and by contribution because of this situation. "Your petitioners would not wish to be understood as being opposed to education; on the contrary they are prepared to bear every reasonable burden your Honorable Body are willing to impose on them to promote the cause of education, provided that our schools be free indeed. But they do not consider schools free when the law imposes upon parents the necessity of giving their children such an education as their conscience cannot approve of. But that your Honorable Body may not be ignorant of what they understand by free schools, your petitioners wish to say that in their opinions, schools can be free only when the business of school teaching be placed on the same legal footing as the other learned professions, when all may teach who will, their success depending, as in other cases, on their fitness for their profession, and the satisfaction they may render the public; that in all cases the parent be left free to choose the teacher to whom he shall intrust the education of his child as he is left to choose his physician, his lawyer, etc., that each person teaching in any public school in the State should be entitled to draw from the public school fund, such sums as the law might provide for every child taught by the month, quarter or otherwise, on producing such evidence as the law might require in such cases. *Schools established on such principles are what your petitioners understand by free schools.*" (Supt. Report, 1853, 190-191) (Italics not in original)

In accordance with this petition a bill was introduced to make a division of school funds as prayed for. The Senate committee to whom it was referred reported "respectfully recommend that it do not pass." The committee then set forth its reasons for so reporting. They may be summed up as follows: (1) State laws

are general in character, founded on equal justice to all; so also is the school system, free to all sects; (2) secular instruction only is required in these schools; (3) the opening of the school system to such a system of distribution would mean that every sect would establish its own sectarian schools and get state aid, which would weaken the present system; (4) such aid to sectarian schools is forbidden by the Constitution. Art. 4, sect. 40, *i. e.*, it is contrary to state policy and law, well-defined; (5) it is the duty of every citizen to contribute to the education of people for citizenship; (6) the proposed law would surrender all control over course of study, because it allows any individual to teach school who desires to, if he can satisfy his constituency; (7) the particular bill is presented by one sect which claims the right to inculcate its peculiar views; (8) the general result would be to change the primary school system "from schools of secular and useful learning," to "Theological and Religious Seminaries." (Supt. Report, 1853, 191-3)

Reports were also made by the House Committee on Education, a majority and a minority report being submitted. The majority report was opposed to the proposed division of funds and gave the following reasons for it: (1) the state superintendent of public instruction had not recommended any important changes, and he believes the present system is operating successfully; (2) the present system extends equal privileges to all, rich and poor, alien or citizen; (3) the recent tax will, it is believed, enable all schools to meet the constitutional requirements of free schools for at least three months; (4) the proposed change would allow any individual with qualifications to establish a school partly supported by school funds, yet in competition with the present system; (5) such a change would introduce confusion and discord into the present system; (6) the opinion of the people of the state does not demand such a change.

In these two reports, it becomes quite clear that the conception of what constitutes a free school was not like that described by petitioners, but *one giving secular instruction and open to all without payment of tuition*. The reports further show a determination not to allow sectarianism to get a foothold in schools already free from it and its influences.

The minority report declared: (1) "Every system of instruction involves instruction in some system of religion, and, there-

fore, denominational or sectarian, or none at all, which is infidelity"; (2) there are no points of agreement among the various denominations; (3) the present system compels parents to subject their children to some sort of religious instruction, even though it is against their wishes; (4) because of this some have sent their children to private schools if they could afford it, and if not, have allowed them "to grow up without the knowledge of books, rather than have them instructed in what the parent believes to be a damning heresy"; (5) in one community of Catholics the instruction is practically Catholic and does not meet any objections; (6) a Protestant community could enjoy the same privileges; (7) to withdraw pupils from a secular school is a religious duty which cannot be abridged by law; (8) the plan would work all right except in sparsely settled rural districts. Such were the arguments of the minority report made by J. O'Callaghan. (Supt. Report, 1853, 198) The bishop of the Protestant Episcopal Church was aroused by the action of the Catholics and also presented a petition to the legislature bearing on the same question. The language becomes almost satirical. Some sentences are quoted from it. "But if your honorable bodies see fit to overturn and destroy that system which has been heretofore so carefully guarded, and which has introduced into every occupation and profession some of the most distinguished men of the State, and which has brought to the door of the poor man the means of educating his children; and if the priests and clergymen are to take the place of the common school teacher, and the state is to assume the duty, through them, of extending and building up religious differences and fomenting strife and contention, then the undersigned (most reluctantly) would claim to have a share in the work." He further states that if such division were made, his church would teach its own doctrine and secure as many clergymen to do this as they could. (Supt. Report, 1853, 190-200; 205-206)

The proposed bill did not become a law. The various questions at issue in the secularization of the school came up in various forms from time to time, even getting into the courts long after free schools were established. The fight in the early fifties, here described, was practically final for the most important issue involved, *i. e.*, state aid to religious schools. (See Appendix, Sectarian Definition of Free Schools)

It now remains to indicate the influence of this movement to secularization on the development of free schools. Whatever *might* have been the influence, it is very evident that by 1850-1860 Michigan had a system of schools in which many were free and in which no sectarian instruction could come. Free meant "without charge for tuition" up to that time; then it came to mean a secular school. Whatever may have been the merits of the Catholic definition of free schools in their petition to the legislature, the state did not accept it. Whatever may have been the merits of the claim that to deny state aid and cause children to attend a secular school could not be enforced, this was not given recognition. By 1875 a compulsory education law was upon the statute books as well as the free school law of 1869. The movement towards such a result was begun in 1837, when the system was established. As the state grew in population and resources, the same thing occurred that occurred in New York and some other states and the issue was fairly met. It did not cause so much strife as in New York, but it was met and settled. The first result was that not only was a free school a school without rate-bills, but it was also a secular school. There is another result worthy of notice. The well-defined issue of 1853 never came up again. The settlement of it was apparently decisive. This points out a third result. It prevented to a large extent the growth of petty differences in religion in schools. Even the State University did not have the severe criticism directed towards it that existed previously. Again, it prevented the dissipation of the school funds by directing them into a multitude of channels, all to no purpose. The Primary School Fund was small enough as it was, and if it had been divided, it is probable that its usefulness would have decreased.

In 1850-1870, the clergy in Connecticut again appeared to have some influence in school matters, but largely as individuals. Through all of this period many clergymen were school visitors. Clergymen frequently discussed matters of education in their sermons. We find the committee of the Friends of Universal Education in 1868 making an appeal to the ministry to help in bettering schools, and that later Secretary Northrop stated that they did advocate free schools. (See Appendix) The best evidence is the action of the Hartford Ministerial Association of 1867, urging and demanding reforms in schools, including aboli-

tion of rate-bills. (See Appendix) Evidence is lacking to show a similar activity of the ministry in Michigan. The religious groups, including the clergy, then affect this movement in the following ways: (1) In Connecticut, in forcing the issue of secularization so that the income from the sale of the Western Reserve was given entirely to the schools; (2) in Michigan, in forcing the legislative committees, in 1853, to define a free school as a secular school; and (3) in Connecticut, by much influence exerted by the clergy through sermons and memorials for improved conditions including free schools.

THE INFLUENCE OF TEACHERS

No doubt large numbers of teachers in one-room schools never published any expression on the question of free schools. Yet, if one considers the various difficulties involved in collecting rate-bills, from which part of the teacher's salary came, it is not easy to understand how they could ever favor the use of rate-bills.

In Connecticut the State Teachers' Association and various local organizations of teachers considered the matter from time to time, and individuals contributed articles to the *Common School Journal* favoring free schools. In 1851, a convention of school committees and friends of education, held at South Coventry, petitioned the state legislature for changes in the school system, chief of which were the abolition of tuition, and the entire support of schools by public funds and taxation. They gave a lengthy argument opposed to the tuition and exemption clauses in school laws, and declared these devices to be "im-politic, anti-republican, and suicidal." They reviewed the action of several states in using taxation, and submitted a proposed law for the reorganization of schools and school support. The petition was signed by one hundred and seventy-two persons. (Conn. Rept., 1851, 79-80)

In the same year, Camp, Barnard, and others discussed school support before the State Teachers' Association. More taxation and less tuition were advocated. Barnard said concerning the schools, "They need not be free, but they must be cheap." (Conn. *Common School Journal*, 1851, 57, 88) The visit of Commissioner Barney to Connecticut in 1854, and his advocacy of free schools has been mentioned. The *Journal* for 1854 contains two articles by Alfred Hall on "The School Fund and Taxation," urging complete reorganization of school support, and a return to town management of schools. (113-115, 162-165) In the same year, the editor of the *Journal* urged free schools in the following words:

"Keep them before the people, let us unfurl our banner, and bear it aloft with the motto '*Our Schools: They must be made good enough for the richest and cheap enough for the poorest.*'" (*Journal*, 172)

An editorial in the *Journal* for 1854 very earnestly discussed school support, favoring taxation and abolition of rate-bills. "The taxes for the support of schools must fall on *property* and not on the *parents*." (*Journal*, 1854, 315) A year later, the State Teachers' Association sent a memorial to the legislature asking for changes in school laws including abolition of rate-bills. These demands resulted in a codification of school laws in 1856, which abolished the school societies, and reestablished the town tax, at one-tenth mill on the dollar. In the campaign for the Bristol Union School, Barnard, Camp, Philbrick, and Rev. Richardson took an active part. (*Journal*, 1855, 281-282) In 1847, Barnard helped in the Hartford campaign for free schools.

An article signed by E. F. S. in the *Journal* for 1855, discussed "How Shall Our Schools be Supported?" It was a strong argument against tuition and for taxation for school support. (*Conn. Common School Journal*, 1855, 229-230. See Appendix) In 1855 a speaker at one of the exercises of the high school at Waterbury, probably a teacher or school official, discussed free schools. The argument favored the establishment of both elementary and secondary schools on the free school basis. (*Journal*, 1855, 260-263) In 1856 an organization of teachers and friends of education of Fairfield County, adopted the following resolutions:

"Whereas, The development and welfare of society depend upon the education of its members, and as it is not only the right, but the duty of society, to educate the masses of which it is composed, therefore,

Resolved, That the State should provide for a complete system of FREE SCHOOLS by a direct PROPERTY TAX.

Resolved, That all friends of popular education, and especially the clergy, and editors and conductors of the periodical press, be hereby invited to present to the people of Fairfield County the advantage and importance of a system of FREE SCHOOLS." (*Journal*, 1856, 178)

The same year the State Teachers' Association adopted the resolution previously referred to, approving the proposed free school laws. The most pointed article appeared in the *Journal* (1856)—on "Charity in Education" with particular reference to conditions in New Haven. It also referred to the influence of the School Fund, the levying of taxes, and the consolidation into a union district.¹

¹ "First, the idea, dangerous as it is absurd, that the public schools were for the poor, existed in New Haven, three years since, quite commonly. This depressed the schools and prevented real advancement. The children of the

In 1857, Mr. M. T. Brown, principal of the Webster School of New Haven, made an address on free schools at the State Association. The remarks were laudatory and interestingly enough credited much to the Pilgrims of Plymouth for the idea of free schools; and urged that all schools of the state be made free. (*Journal*, 1857, 97-102) At the State Association meetings in June, 1857, and June, 1859, the Rev. Richardson made addresses on free schools, favoring their complete establishment. (*Ibid.*, 1857, 211; 1859, 240) In 1858 the Association appointed two committees to deal with this question. One of these, composed of Messrs. Strong, Balcam, Brigham, Peck, and Allen, was to petition the legislature to abolish rate-bills and make the schools free. "Gov. Minor, Prof. Camp, and E. F. Strong were appointed a committee to prepare a circular on the subject of free schools." (*Ibid.*, 1858, 212)

This evidence shows that the organized teachers of the state were favorable to free schools, and that their attitude had some influence. In the final campaign they again declared their attitude in a similar way. They then adopted a comprehensive platform declaring for abolition of tuition, taxation for school support, high schools, normal schools, consolidation of small districts, a state board of education, protection and education for dependent and defective children, and agitation until these ends were attained. (Conn. Rept., 1868. See Appendix) The resulting legislation followed much the lines marked out in this platform.

wealthy never saw the inside of a *public* school, and so a *common school* came to be considered almost a public *charity*, and many parents, who had more of pride than of means, sent their children to private schools. Thus the schools lost what must be the support of a public system, the *moral support* of the community. What wonder that the children were rude and impudent who attended the *common schools*? . . . The child will not respect what the father despises. No such idea prevails now. Our most intelligent and most wealthy citizens support, and send their children to the public schools.

Second, *until recently the city was divided into several school districts, each independent of the other*. . . . The city of New Haven now comprises but one district.

Third, *a direct tax is laid upon all the taxable property of the city, for the support of the public schools*. It may seem surprising, yet it is true, that from the year 1835 to 1849, inclusive, no tax for the support of schools was levied upon the property of the citizens. . . . The ruinous, and unwise policy of exacting an advance fee or tax from each child at the commencement of each term, a tax of from \$2.25 to \$1.75 per scholar was adhered to, through those fourteen years of decline, and the tax thus gathered, together with the amount received from the State Fund, gave the schools an uncertain life, and tended to degrade the system more and more in the minds of all right-thinking men." (Conn. *Common School Journal*, 1856, 66, 67)

In Michigan, year after year, the meetings of the State Association convened and in only a few cases did it consider the matter of free schools. In 1858 a paper was read before the Association on "Ought Our Schools to be Free?" the writer holding that only under very peculiar conditions should they be free. Dr. A. Winchell, of the State University, expressed grave doubts as to the wisdom of making the schools free, and held that a great school fund would be an injury rather than a help to education. Professor Oramel Hosford, later state superintendent of public instruction, concurred in these views, although he later changed his attitude, as has been previously shown. Dr. Winchell stated, "If education costs nothing, it will be estimated accordingly." Yet the Association at the same meeting unanimously passed a resolution "that the rate-bill system, in its then form, ought to be abolished."

A decade later, the Association, without an opposing voice, resolved "that school rates should be abolished, and the funds needed to make our schools free to all should be raised by an impartial tax by the state. Public opinion had ripened. . . ." (Putnam, 120) (Barnard, *Journal*, 15: 637) This would indicate that just before the abolition of rate-bills in 1869, the teachers who were members of the State Association were favorable to free schools. This group, however, would not include hundreds of teachers in rural sections who shifted about from year to year and did not remain long in the profession. The attitude of this group is not known, and it is doubtful if they had much influence in finally securing free schools. Particular men in the teaching group had much influence. Such a man was John D. Pierce, both minister and teacher. The county superintendents, after 1867, exerted much influence favorable to free schools, as is shown by the work of this office as a part of the state administrative system.

In the Michigan *Journal of Education and Teachers' Magazine* for 1853 (148), it was stated that "it was one of the duties of the teacher to create an influence in favor of free schools." Whether they did as an entire group, we may seriously question. Yet one is inclined to think that a short experience with rate-bill districts would cause them to be favorable to tax-supported schools. That the sentiment of even prominent men was divided is very evident. In the Michigan *Journal of Education* of 1853 (256-259), there

appeared an unsigned editorial on "The School Fund." It seriously questioned the wisdom of such a fund and of the free school policy. The resident editor was J. M. Gregory, and his associate was Professor E. O. Haven, of Ann Arbor.¹ One feels some sympathy with the writer's argument about attendance, when we consider the present inefficiency of our laws for compulsory education. Most of the discussions of members of the teaching group, so far as they have been found, which deal with free schools, are favorable to schools supported by a property tax and opposed to the rate-bills. In a few instances there are notable exceptions, like the one quoted above, and such expressions must have

¹ THE SCHOOL FUND.—"The general question as to the policy of supporting the common schools entirely by public fund or tax, is one of no ordinary importance, and is now awakening the attention of leading educationists. From a consideration of general principles, we would say, let education be so cheap as to bring it within the reach of all, but let it not be entirely gratuitous, unless we wish it to be lightly esteemed. What costs nothing is usually counted worth nothing. The business of educating his children is the peculiar privilege and duty of the parent, the concurrent voice of mankind accords to the parent the sole and absolute right to choose teachers, appoint the schools, and direct the studies of his offspring. The State, without dispute, has a deep interest in the education of its citizens, and may or does, very properly employ its power and resources to establish and endow institutions of learning and systems of public instruction. But since the State cannot supersede the rights or duty of the parent without palpable tyranny, the question becomes of practical importance, how far it can successfully and efficiently aid him."

"Will schools absolutely gratuitous best secure the education of the people? To this question, common sense and common experience both reply in the negative. In this discussion, we should except despotic governments which can not only provide but compel attendance by law." "Where schools have been made wholly gratuitous they have soon lost their hold upon the public sympathy. They have been regarded as public institutions, to be looked after by public officers, while those parents who have felt a real interest in the education of their children have established private schools or patronized at a great expense those established by others." "If it be said that any price, however small, will prevent the attendance of some children, we reply that schools free as air will not secure a universal and proper attention in a community where public sentiment does not commend it. The universal education of the people is to be attained, not by the attraction of free schools alone, but by the constraining power of a public opinion, that shall pour its scorn and its many-voiced condemnation as sternly upon the parent who shall starve the soul of his child as it does now upon him who fails his children with bread." "Not only is education generally diffused in those countries and communities where a just appreciation of its benefits prevails, but everywhere we meet with poor men, who, impressed with the high advantage of knowledge, contrive amidst all their poverty to give their sons and daughters a most liberal and extensive course of study, and are themselves blessed and ennobled by the very strenuousness of their efforts. To the same conclusions, also, tends the notorious fact that the sons and daughters of the wealthy, whose education, however expensive, costs the parents no felt sacrifice, and hence fails to claim their personal care, are often the poor scholars in our schools." "Where the ignorance or inability of the parent left the child with no provision for its education, the State should without doubt supply the lack."

had considerable influence. School superintendents, county superintendents, and state superintendents were, as a group, favorable to free schools. As to the great rank and file of teachers, we have no evidence as to their attitude.

The Connecticut *Common School Journal* from 1850 to 1859 contained many articles relative to free schools and support of schools by taxation. (*Journal*, 1855, 281-282; 260-263; 229-230; 309-11; 1854, 207, 315-316, 366; 1856, 66-67; 1854, 172-173, 113-115; 1851, 88; 1857, 97-102, 211; 1858, 212; 1859, 240; 1856, 178-188, 169-170; 1863, 131) This journal varied in circulation very much; however it was extensive enough to exchange copies with many newspapers of the state. Through this means the expression of some newspapers were learned, and reprinted in the journal. In an editorial in this journal for 1855, there appears an appeal for free schools, including the following citation from the *Union*.

"A work of great importance before our next legislature, is that of placing our schools on a solid and firm foundation. Connecticut ought to have the best free schools in the world. It is idle to talk of the magnificent fund of the State. It is easy to lift it off. Let the legislature just follow up the recommendations of democratic governors and commissioners of the school fund and **TAX PROPERTY OF THE STATE SO THAT EACH TOWN SHALL RAISE BY TAX AS MUCH AS IS DRAWN FROM THE FUND**, and the entering wedge is fairly fixed."

"Let no rich, crusty old bachelor make up wry faces at this proposition, and fret about being taxed to support other people's children." "This tax is the best insurance on property which the legislature can secure." (*Journal*, 1854, 172-173)

The *Advertiser*, of Middletown, Connecticut, contained an article urging abolition of tuition, and general educational betterment. This same article indicates advances in free schools made in the other large towns and cities of the state. (Cited in *Journal*, 1854, 204) In the *Christian Secretary* for 1855, appeared an article describing and commending the consolidation of districts at Bristol into a union free school district. This article also mentions the fact that *free transportation was furnished pupils* who resided at a distance from the school. (*Journal*, 1855, 281-282. See Appendix) In the *Common School Journal* for 1854, the editor wrote of the *Telegraph*, of Windham County, as follows:

"The Windham County *Telegraph*, a paper which always receives a hearty welcome to our table, for it seldom fails to bring something of importance on the subject of education. Probably no paper in the State publishes so much matter respecting the improvement of common schools." (*Journal*, 1854, 334)

In 1855 the editor copied two articles from the Norwich *Examiner* on school improvement, and called it "a paper which is doing excellent service in our cause." (*Journal*, 1855, 186, 187, 204) He commended the press for its attitude in 1856, as follows:

"Nearly every paper printed in the State comes to our table. We are gratified to see an increasing amount of matter in their columns on the subject of schools, and almost everything said regarding education is on the right side. Several editors would gladly represent the cause more fully to their readers if they had the materials at hand. Some of our enterprising teachers have sent valuable contributions to different newspapers. Shall we not have more of this good work? In this way the people are reached and enlightened. Last week no less than six of our papers contained important articles respecting the interests of common schools. Some of these articles exceeded a column in length, and were characterized by sound and practical views." (*Journal*, 1858, 62)

Further testimony was given in the *Journal* for the same year, first in an editorial commanding the press, and second by citations from various newspapers. Those mentioned were: The New Haven *Register*, Norwalk *Gazette*, New Haven *Journal*, *The Palladium*, The Willimantic *Journal*, and the *Religious Herald*. One of these seems to have published some material opposed to the movement. The following citations give the evidence itself about these periodicals:

"We take pleasure in referring again to the agency of the press in promoting the cause of popular education. The New Haven *Register* recently came out with a very sensible article on free schools. It was called out by an attempt to fix an admission fee to the free schools. We quote from it the following: 'The idea of a per capita tax on children attending the public schools, probably had its origin in what the committee consider the necessities of the district—rather than increase the direct taxes now levied on the property holders for school purposes. But we do not see how that would help the matter—while the tendency would be to confirm the principle object to the new system, that its advantages (if it has any) are grasped by the prosperous and wealthy, to the exclusion of those for whose benefit our common school plan was designed. The requirement of an admission fee, would drive many children from the Eaton and Webster schools, whose places would no doubt be filled by those having ability to pay—but it would be a practical subversion of the free school system. We are glad that the proposition was rejected.' "

The following was cited from the Norwalk *Gazette*:

"There are other parents who would be glad to have their children understand those branches of study which would qualify them for business life, who are absolutely too poor to pay their term bills, and who do, on that account keep them out of school. But were the privileges of the schools free, they would rejoice in sending their children. It may be urged that the law makes

provision for those who are unable to pay for the schooling of their children. But there are many who are, and who feel themselves to be unable to pay, but who are unwilling to be considered paupers, and therefore do not send their children to school. . . . And as the property of the State has to be taxed to build and sustain prisons, and to bring justice and punish those who commit crime, it will be found less burdensome to pay a tax to educate the children, than to punish the men, after the uneducated children have grown up to manhood. As there is property enough in the State to educate all its children, education should then be as free as water, light and air. The property of bachelors, and others who have no children to educate, ought to help educate other people's children. As education renders life and property more secure, it is just and proper that wealth should be taxed to pay for education. Our State will never reach the highest point of elevation, till she has adopted a system of free schools. And the sooner she comes into this measure, the better for her and her children."

In 1857 Horace Mann and Henry Barnard visited Michigan and addressed the members of the State Teachers' Association. They also shared in the discussion. Barnard was elected to honorary membership in the association. Mann lectured before the entire association one evening on "Teachers' Motives." During the daily discussions he spoke a few times on the elementary curriculum, the need of ventilation, and favored Union schools. In the same assembly, one member made reference to the fact that he had received much benefit from reading Mr. Mann's report. Mr. Barnard was asked to address the entire association, but it is not recorded that he did so. During the general discussion, he spoke in favor of professional training of teachers. A resolution was passed tendering the thanks of the association to "Horace Mann and other friends of education from abroad." (*Mich. Jour. of Education and Teachers' Magazine*, Vol. 1: 150-159; 160; 165)

Occasional references are found in the reports of the state superintendent to the movement in eastern states. In the *Michigan Journal of Education* for 1856 (338) reference is made to Barnard's later attitude on the rate-bill problem and it is received favorably. Such biographers of Horace Mann as Hinsdale and Hubbell say nothing directly about his influence in Michigan. From such evidence one could not conclude that their influence was very great in the development of free schools in Michigan.

These evidences seem to show that: (1) Organized teachers generally favored free schools; (2) occasionally individuals opposed free schools; (3) educational periodicals gave considerable support to free schools; and (4) the influence of Mann and Barnard in Michigan was very slight.

RELATION OF INDUSTRIES AND THE LABOR MOVEMENT TO THE DEVELOPMENT OF FREE SCHOOLS

By 1840, in Connecticut 56,955 persons were engaged in agricultural pursuits and 27,932 in manufacturing and trades. (Table I, Appendix) In later decades the number in manufacturing increased. This was the outcome of the industrial revolution in the New England states. Two sets of problems are included in this situation. First, how did this revolution affect the development of public free schools, and second, what did laboring men do about the question of free schools? Each of these will be considered.

Connecticut from the beginning had legislated concerning industry, and industrial education of the apprenticeship type. By 1810-1812, the development of the factory system compelled the enactment of a child labor law. In 1842 the secretary of the board of commissioners urged that no children under fourteen years of age be allowed to work in any factory or manufacturing concern more than eight hours a day, and that their employment at night be absolutely prohibited. If any under fourteen be employed they were to have a certificate showing attendance at school (public or private) for at least three months in the preceding year. The penalty for violation was to be levied on the employer. (Rept., Sec. of Board, 1842, 29)

In 1845, the visitor from Windham said:

"We are fully convinced, from the best information we can obtain, that there are many children in our towns who are numbered, and upon whom money is drawn, who are confined in the cotton mills, instead of enjoying the benefits of instruction in the schoolhouse." (Conn. Rept., 1845, 105)

As early as 1838, the legislative committee estimated that not less than 6,000 children did not attend school. (Conn. Rept., 1853, 166) In 1846 the report came from Voluntown in a similar refrain: ". . . an immense number of children are necessarily employed in operating these mills, who are not privileged or benefited by the public money for the schooling of children." (Conn. Rept., 1846, 114) In 1851 Mr. Barnard urged the estab-

lishment of "a regular gradation of schools" to embrace "Primary, Secondary and High Schools, with Intermediate Schools or Departments between each grade, and Supplementary Schools, to meet the wants of a class of pupils not provided for in either of the above grades." (Conn. Rept., 1851, 54) He recommended for the high school "a course which should give to every young man a thorough English education, preparatory to the pursuits of *agriculture, commerce, trade, manufactures, and the mechanical arts*, and if desired for college." (*Ibid.*, 53) In his conception of supplementary schools was included our present-day idea of continuation schools, as well as institutions for defectives and dependents. (*Ibid.*, 50) He further said that "on the application of these principles, especially in our cities and large villages, depends the progress of the common schools." (*Ibid.*, 61) This was a comprehensive view for the year 1851, doubtless due to his study of other school systems. But however needful such a plan, it received little hearing at that time. In this same report (Appendix E) he published a discussion of evening and industrial schools, including a letter from a Rhode Island minister on the benefit of evening industrial schools, an extract from the Fourteenth Report of the Commissioners of National Education in Ireland (1847) on industrial schools. He described the work of John Pounds, Pestalozzi and Fellenberg, and of William Watson of Aberdeen, Scotland, in their attempts to help in the education of industrial workers. The next year, in writing of non-attendance, he said, "In 96 districts . . . comprising in the aggregate 3,800 pupils, less than 1,000 were present during the first week of school, and more than that number did not join until after the close of the third week of the term. . . . 460 left school, 3 weeks before the term closed." (Conn. Rept., 1851, 15-16) He also returned to his plan of adapting the school to the industrial needs of the community. (*Ibid.*, 28-45)

In 1859 Mr. Camp described what he called "a fair average of the towns of the state." The town was engaged in agriculture, partly in manufacturing, and had some commercial ventures. Of the 720 children enumerated, 617 were enrolled in the winter schools, and 325 in summer schools. The average attendance for the year was 367. He continued by saying that one cause of this was the use of rate-bills which placed a premium on absences. (Conn. Rept., 1859, 17-18) The reports for 1866 and 1867 give

still further evidence that many children were not attending school but were engaged in remunerative occupations. The following are examples: In one village—841 children of school age, 18 in private schools, 6 in out of town schools, 139 "or nearly 17 per cent." out of school and out of work. In another place the following conditions obtained. Two hundred and fifty children of school age; "not less than 100 children of school age habitually absent from school." In New Haven, after making all valid deductions, 650 children were out of school for no valid reason, and 610 because of employment. (Conn. Rept., 1861, 81-88; 1867, 83-86)

In 1868 the secretary undertook a systematic study of the problem of non-attendance. He enumerated a long list of causes and then said: "Another common cause is the illegal employment of children in manufacturing establishments. In Connecticut, and in most of the New England and Middle States, they are required, by law, to attend school at least 12 weeks out of each year's work in a manufactory. *That law is openly disregarded.* In Connecticut where the operatives are largely French Canadians, 229 out of 389 of school age do not attend school. In another district, inquiry has brought to light many individual cases like the following. In one factory were found 2 girls 11 years old, and one 12 years, who had not been in school for two years; one 14 years, not in school for 5 years; one 11 years, one 15, and one 17, who had not been in school for four years; one 13 years, not in school for three years. *All these were girls.* In the same district were 11 boys, all of school age, who had been absent from school, on an average, over three years." One of the causes of this condition was the inability or unwillingness to pay rate-bills. (Conn. Rept., 1868, 24-25) One phase related to the life of industrial workers was the system of evening schools. But these did not begin until 1867, the first being in New London. The persons attending these schools were usually above 14 years of age and already in some vocation. Some were recent immigrants. (Conn. Rept., 1871, 57-60; 179) In 1875, the agent of the state board employed to enforce the child labor laws, reported that among the children employed "very few children under 14 years of age were found among them; and of the small number employed, nearly all had attended school as the law required." (Conn. Rept., 1875, 135) In this report, one instance of prosecution is mentioned.

The agent gave the impression that most employers among manufacturers were glad to comply with the law; but that small shopkeepers, farmers and mechanics evaded it repeatedly. (*Ibid.*)

This survey shows the following general conditions: (1) The apprenticeship laws adapted to the older domestic system of industry; (2) the breakdown of the domestic system and real control of apprenticeship; (3) the promise of remuneration from child labor coupled with the necessity of paying rate-bills increased non-attendance; (4) the feeble attempts of the state to regulate the problem of child labor; (5) the recommendations of Barnard and Camp for adjustments in types of schools and control of attendance at school, to meet these new conditions; (6) the very late appearance of evening schools of the continuation type to meet the needs of workers. Under such conditions new types of instruction, different organization of schools, different methods of teaching, and *free school privileges were very necessary*. Some saw these needs.

What did labor itself see as its needs in this matter? Any expression of this sort would most likely come from organized labor. In March, 1836, a national organization of cordwainers met in New York. New Haven had two delegates out of forty-five present—Joel B. Foot and Daniel C. Augur. The only action taken at the convention bearing on education was relative to apprenticeship. This forbade members from instructing apprentices except under certain conditions. (Commons and Sumner, VI: 311-331)

In 1867 the National Labor Union held a congress at Chicago. Michigan was represented by delegates from Detroit, Grand Rapids, and Pontiac—a total of six. Connecticut was represented by delegates from Norwich, New Haven, Mountville, Danielsville, and Rockville—a total of five. During the session, four others were admitted from Michigan. This congress took no specific action about education except apprenticeship. (Commons and Sumner, VI: 169-194)

The second session of the National Labor Union met in September, 1868, at New York. Representatives were present from several states, including Michigan and Connecticut, and from several "Female Labor Organizations." No action was taken regarding education. (*Ibid.*, IX: 195-227) A similar convention was held at Philadelphia, in August, 1869. (*Ibid.*, IX: 228-242)

In no case did Connecticut or Michigan play a conspicuous rôle, *yet these two states were represented.* But these instances are confined to the decade of 1860-1870, and later, with the exception of the meeting of the cordwainers of 1836. It is evident, then, that Connecticut shared in some degree in the labor movement of the thirties and forties, and in the later movement much more. No evidence has been found of the attitude of these men of Connecticut on free schools; but, in both periods, they were affiliated with organizations which had emphatically declared their position on this question.

The attitude of labor organizations in general toward free schools has been treated by Carlton (*Economic Influences upon Educational Progress in the United States, and Education and Industrial Evolution*), and some of the sources concerning this have been collected by Commons and Sumner (*Documentary History of American Industrial Society*). These writers show that organized labor was generally favorable to free schools supported by public funds whenever the issue was met, and that labor unions, not infrequently, on their own initiative demanded free schools. Such evidence as has been found establishes only a probability that the laboring men of the two states had any vital influence in hastening the development of free schools.

The rate-bill school did not encourage attendance of children of laboring men, and it was unable to meet their general educational needs, and, on the other hand, there is but slight evidence that the parents of such children took action to secure better conditions in these two states.

ATTITUDE OF TAXPAYERS

To make schools free it was necessary to substitute property taxation for rate-bills. But how did those who were called upon to pay the increased tax view the proposal? It has been shown that the rural communities were slower in adopting free schools than urban communities. That this was partly due to fear of increased taxes, there is no doubt. The reports of school visitors give ample testimony to verify this. Then, there were many who did not believe in paying taxes to be expended upon other people's children. The visitors' reports again verify this. The argument of Fralick that money paid in by some counties of Michigan would be expended in other counties, is somewhat similar.

One way of judging the attitude of the taxpayers is by the growth of optional district taxation in both states. In Connecticut, people were willing to cease paying taxes just as soon as they could get the income from the state fund. Some similar conditions existed in Michigan. Until about 1860, in Connecticut the district tax was, on the average, no larger than the required town tax. (Table IV, Appendix) This does not indicate a very great willingness of taxpayers before 1860. On the other hand, optional district taxation in Michigan began to assume very great importance by 1848 and increased continuously thereafter. (Table III, Appendix) This seems to indicate a greater willingness to levy taxes for schools in Michigan than in Connecticut. Table X (Appendix) gives examples from five different societies in Connecticut before 1856 which supported schools with little or no district tax.

The address made by J. P. Gulliver, at the dedication of Norwich Free Academy, reveals another type of opposition to taxation for schools. Schools supported by public taxes would be subject to changes in public sentiment, no definite policy could be carried out, and probably taxes for secondary schools would be refused. How extensive this belief was is not known. In Michigan, the Kalamazoo High School case and the case of Wall vs. Eastman reveal the opposition of a few taxpayers. (See **Appendix**)

In 1855 Mr. Philbrick reminded the district officers that they were empowered to levy taxes and abolish rate-bills, if they desired to do so. Three years later, Mr. Camp stated that the number of districts using taxation instead of rate-bills was increasing, yet he was not ready to recommend that the state abolish rate-bills for he felt that local sentiment was not yet favorable enough to taxation. He said that opposition to such taxes came from men of wealth with no children, and from men who were ignorant as to the needs of schools, and he also reminded the district officers that they had the power to abolish rate-bills by levying taxes.

Mr. Northrop stated that in 1852 but three societies, including seventeen districts, reported local taxation for schools. The action of Voluntown in 1856, previously referred to, is an example of evasion of taxation. Mr. Northrop said in 1868 that "The wealthier families resist all efforts to lay a tax and patronize private schools." (Conn. Rept., 1868, 35-36) This may have been true to a degree, but as early as 1853 Mr. S. W. Collins, of Collinsville, "the chief proprietor of the manufacturing establishment which constitutes the principal business of the village, and the largest taxpayer," having no children of his own, gave his most cordial support to the movement which finally made the schools free in that village. (Conn. Rept., 1853, 7)

In 1842 when Detroit was establishing free schools, a small group of taxpayers organized a movement to defeat the proposed change. But they were in the minority and did not succeed.

This evidence shows that the attitude of taxpayers was divided, that some were opposed because of added expense; others were opposed because they desired to patronize private schools and did not want to pay taxes for public schools; still others, because they did not want to pay taxes which would be expended in another county (referring to state taxes); and finally, a few believed that secondary education could not, and should not be supported by taxation.

Very clear also is the evidence that many taxpayers favored free schools, and finally, it is evident that the favorable attitude was of slow and gradual growth.

INFLUENCE OF LOCAL UNITS OF SCHOOL ADMINISTRATION

In Connecticut, local units included districts, towns, union districts, and, until 1856, societies. In Michigan, the district and the county figure as actual units in rural regions, while the union district was in urban localities, and the township largely without power of school administration.

The district in Connecticut averaged a little over three square miles in area. The society was larger, and the town usually larger than either. In 1856, 938 districts out of about 1,600 averaged less than forty children of school age. In Michigan, it is not possible to determine the average size, but judging from the land survey provisions they would probably be somewhat larger than in Connecticut. How did such units affect free school development? To secure school support by taxation it was necessary to have sufficient property to tax. Many districts were too small to bear taxes. Again, it was necessary to educate the three district committeemen or directors in order to secure the levy of a tax. Sometimes it was necessary to educate the voters as well. The range of selection of officials in these districts was so small that little chance existed for the choice of efficient persons. If a district did select efficient officers, they might be overruled by the voters, if they levied taxes to make schools free. If the voters and officers desired to levy taxes to make schools free, the tax valuation might be so small that it would be impossible. These districts are described in the Connecticut Report for 1861 (12-13) as follows: "While property is taxed in our large cities, with one exception, and in many districts in addition to the tax required by law, a portion of these small districts, though they receive from the public funds more than a pro rata share of school money, do not contribute a single dollar, voluntarily, either in rate-bills or in district taxes, for the support of schools." By a law of 1856, districts having less than twelve pupils could be united with other districts, but the law was repealed by 1859.

The following is an illustration from 1862-1863. It concerned the fifth district of Colchester and the first district of Salem. In

1861, the fifth district had ten scholars; the Salem district, six. The fifth district received \$11.50 from the State Fund and \$23.50 from Town Deposit Fund and town tax. The Salem district received \$6.90 from the State Fund and \$28.10 from Town Deposit Fund and town tax. And yet both districts used the same school-house and there was one teacher. Even with this arrangement the school had but sixteen children of school age in both districts and we do not know what the attendance was. The combination was excellent, but in reality there were yet the two districts, neither levying a local tax, and neither able alone to maintain a school. (Conn. Rept., 1863, 48) The secretary of the board (1866) discussed at length the district system:

"In all, there are over 1,600 of these little republics, each independent in some respects of all others, each capable of opposing progress and thwarting by neglect, if not by literal violations, the enactments of the State. On the average there are 10 districts to every town, ten separate bodies which must be consulted, and enlightened or guided, before any wise measure can be carried for their improvement. . . . In most of the districts, I presume, new committees are chosen annually."

He quotes Mann's discussion of the district system and gives evidence from his own state as to certain matters; but he failed to note the problem in its financial aspect. (Conn. Rept., 1866, 70-81)

The superintendent described the situation in Michigan districts, in 1860, as follows: "Much dissatisfaction is created in the districts, and bitter strife arises often between the advocates of a large tax and those who make it less, which disturb the peace and not infrequently destroy the prosperity of the schools. (Supt. Rept., 15-18)

In 1867, the county superintendents added their arguments to those of the state officer: "Districts are, as a general thing, too small, rendering rate-bills necessary, and these invariably give dissatisfaction. (Supt. Rept., 1867, 32) The superintendent of Cass County argued as follows: "The small size of many of the districts is a great fault. One has less than 500 acres of land, and that land poor, and upon it less than \$2,000 of personal property, with which 39 children are to be schooled. . . . Such districts must have poor, small houses, hire cheap, inefficient teachers but a short time, and even then have to bear large rate-bills." (*Ibid.*, 36) In Clinton County the districts had "been divided

and sub-divided until they were too small and weak to support a good school." (*Ibid.*, 39) In Eaton County school districts were "as a general thing too small." Schoolhouses were frequently located within one mile of another, even though the country was very sparsely populated. (*Ibid.*, 43)

In Kent County "a number of districts could not make their schools free" under the provisions of law then in existence. (*Ibid.*, 64) The superintendent of Macomb County advocated the abandonment of the district for the township system. His reasons for this were: (1) Equal privileges could not be enjoyed under the district system; (2) district system was conducive to petty quarrels over the location of schoolhouses; (3) no attempt at real grading could be made in the district system. (*Ibid.*, 76-79) The trouble of locating the schoolhouse is quoted again in 1868, as well as the fact that some districts were too poor to maintain their schools. (Supt. Rept., 57, 110)

In arguing for the township unit in 1862 the Michigan superintendent said that the district unit made an equitable distribution of school support impossible. (Supt. Rept., 6-8) Two years later he repeated his arguments. (*Ibid.*, 75-83)

This evidence shows that the district system could not guarantee a high type of school direction, could not, in many cases, furnish sufficient valuation for school taxes, and, lastly, made impossible an equitable distribution of school support. It is self-evident that such conditions would retard the growth of free schools.

In Connecticut, the town had little influence in this movement, except through the work of the school visitors. Often these men helped to keep alive and encourage public sentiment for free schools. But, as a unit *per se*, the town had very little effect on the movement. The same is true of the Michigan township, for it was not an important unit of school administration after 1829.

INFLUENCE OF EDUCATIONAL FINANCES

CONNECTICUT

As a direct aid to school support, we know that from 1821 to 1856 the School Fund was considered, by many, as all that was needed to support schools. The record of this income, from 1825 to 1883, shows that it never produced more than \$1.50 per child of school age. (Table III, Appendix) Yet, while wages of teachers were low, it played a conspicuous part. It was possible to keep a district school in session a few months by depending entirely upon this money. Table X (Appendix) shows some examples of large dependence upon this income. At Oxford, the income from the fund was 58 per cent. of total support, and no taxes are recorded. The percentages for the others are: Willimantic, 86 per cent.; Salisbury, 85 per cent.; Stratford, 47 per cent.; seventeen districts of Thompson, 80 per cent. No taxation is mentioned, and tuition is. These facts show the dependence placed upon the fund as late as 1848-1855. No incentive was offered for taxation. The fund placed a premium upon no taxation, because, for years, the income from it was large enough to support legal schools without taxation. After 1856 the possibility of total school support by this means decreased rapidly. In that year it was 37 per cent.; in 1860, 34 per cent.; 1865, 29 per cent.; and 1868, 13 per cent. (Tables II, III, Appendix) When the state attempted to distribute this money upon the "teacher-employed" basis (at first thirty dollars, and later fifty) it was so managed that it tended to increase the number of small districts. During the period in question, this money was never distributed in such manner as to stimulate much local taxation for education. Such was the record of this fund. Having great possibilities, they were practically unused. As long as local taxation was retarded, free schools were delayed. This the school fund helped to do.

The Town Deposit Fund had little bearing on free school development. In towns where it had been wasted, the people were required to pay taxes to provide for the six per cent. income provided for by law. This helped to accustom communities to levy taxes for schools. By this indirect method it was of some in-

fluence, or rather the law regulating it was. When used as an investment, the income was always used to lessen school taxes.

The rôle of rate-bills in Connecticut is not as easily discovered as in Michigan. Our first record is for 1846, and that probably subject to great error. In 1855 the comparative amounts per district from three types of school support were: District and society taxes, \$24.08; School Fund income, \$61.15; rate-bills, \$32.77, or 27 per cent. of the total. If a woman teacher were employed that year, a district would have paid her \$16.30, and by use of the rate-bills could have maintained school two months longer than possible with other support alone. If a man were employed, the extension would have been slightly over one month, his salary being \$25.95. In 1858 the comparative amounts per district were: Local taxes, \$90.55; School Fund, \$88.03; rate-bills, \$58.63. If a district employed a woman (salary \$16.00), the school year could be extended 3.7 months; if a man were employed (salary \$30.00), the extension would be nearly two months. (Computed from Tables II-V, Appendix)

In another way, rate-bills influenced this movement. There were difficulties involved in their administration which could not be overcome. These difficulties, including the idea of tuition, constituted the factors to be eliminated. There is evidence that in 1868 men favored free schools because they wanted to get rid of the "odious" rate-bill.

Table IV (Appendix) gives the record of local taxation from 1855 to 1875. The town tax required by state law and the optional district tax constituted the support which finally made schools free. The School Fund was not keeping pace with increased needs. Rate-bills were a constant source of difficulty. The Town Deposit Fund was of slight importance. But local taxation increased to meet the growing demands, and to pay the cost of displacing rate-bills to make schools free. From 1861 to 1869 district taxes exceeded the town tax,—a fair evidence that opinion was growing in favor of this plan of school support.

MICHIGAN

In Michigan, the five and seven per cent. funds have been constituted a perpetual obligation. The school fund income includes the money derived from both, and is raised by state taxation. What might have been a real income producing fund

was then changed into a burden. (Swift, Ch. XXX; Knight, 87-103)

The Primary School Funds from 1842 to 1869 never produced more than \$.50 per person of school age. The lower limit was \$.28 in 1845, and the upper limit was \$.50 occurring in 1858, 1862, 1863, and 1864. The median was \$.45. While these funds varied in amount from \$15,489 to \$165,651 during the years 1842 to 1869, the actual relative increase was small. For example, in 1869 they amounted to \$165,651.27, which was equivalent to \$.47 per pupil, or only \$.02 above the median \$.45. These funds had two functions prescribed by law. The first was a direct aid to school maintenance; the second was a bonus given only to those districts which maintained their schools for at least three months during the preceding year. This second function was stated in both the constitutions of 1837 and 1850. The first function can be described directly from known statistics; concerning the second, only vague approximations can be given. (Table V, Appendix) The comparative amount of direct aid rendered by these funds is shown by Tables I, II and V. (Appendix) Comparing with total school support, we find that from 1840 to 1850 the fund income varied from about one-seventh to one-fifth of total school support; from 1851 to 1860, about one-sixth; and from 1861 to 1870, from one-seventh to one-eighteenth. Comparing with total of teachers' salaries, the following facts are noted: Fund income was about 53 per cent. in 1850; 30 per cent. in 1855; 23 per cent., 1860; 19 per cent., 1865; and 14 per cent., 1869. Since this money was used to pay salaries, this is the most important comparison. (Tables I, III, Appendix)

Certain facts for the year 1857 will show the importance of this income in all districts which maintained schools but three months, *i. e.*, the limit required in order to share in this income. In that year seventy-four districts reported the three items concerned, which are given in the table which follows:

	Teachers' Wages	School Fund Income	Total Tax
Totals.....	1658.50	827.50	4239.31
Averages.....	22.36	11.03	57.29
Percentages of 57.29	39	19 ¹	

By this table it is shown that teachers' wages constituted practically two-fifths of the expense, and one-half of this was met by

¹ Computed from statistics in Report of State Superintendent, 1857, 578-611.

the use of School Fund income. More exactly, 48.7 per cent. of teachers' wages was met by this income. For 1855, this percentage was 59, and for 1861, 29.3 per cent.¹

In theory, the administration of this fund should have stimulated local activity to support schools. It is easily conceivable that the seventy-four districts noted above would not have maintained schools for *three* months in 1857, if they had not received a bonus of 48.7 per cent. of their teachers' wages for so doing. Swift (*Permanent Common School Funds*, 168) sets this forth as a prominent purpose of such funds. It is very probable that this money did stimulate local support for schools, yet accurate evidence of it cannot be found. If it did, it was a strong factor in bringing free schools, supported by tax upon property and open to all. The extent of influence of such support can be partly indicated by its use in those districts reporting no rate-bills, and hence, presumably, having free schools. The illustration is for 1857, and computed from data given in the report of the state superintendent for that year. (578-611) One hundred and fifteen districts reported no rate-bills. The teachers' wages amounted to \$27,187.46, and the amount of the School Fund income to \$9,960. An average of \$235.71 was paid to teachers in each of these districts, and an average of \$86.60 of this came from the School Fund, *i. e.*, 37 per cent. of each district's teachers' wages was met by income from the School Fund. The same year, the average amount of wages in 3,633 districts using rate-bills was \$108.97. Each one of these districts paid, on the average, \$26.80 of these wages from the School Fund income, or 24.5 per cent. Whether this income would stimulate local school support, would depend largely upon the methods used in its distribution. In 1836 the state established the enumeration basis as the method of distribution, this being the number of children from five to sixteen years of age. From 1837 to 1843 it was five to seventeen; from 1843 to 1861, four to eighteen, and from 1861 to end of period, five to twenty. As Cubberley (*School Funds and Their Apportionment*) has well shown, this is a very inefficient mode of distribution of school money. Swift (*Public Permanent Common School Funds*) enumerates the various purposes of such funds and shows that this method fails to efficiently accomplish any of them.

¹ Report for 1855, used as a basis for computation.

By the constitution of 1837, districts not maintaining schools three months each year *might* be deprived of their share in this income. The constitution of 1850 made this mandatory. The district taxes increased almost continuously from the time we have record of them (1840). It is possible that this requirement helped to foster this increase in taxation.

The township tax was so only in name. It was collected by the township and distributed in the same manner as the income from the Primary School Fund. In not one case—School Fund, district tax, or township tax—was the distribution based on need per district.

The district tax constituted the largest factor in school support during this period. Once, in 1863, it was slightly exceeded by the township tax. It approximated 50 per cent. of the total school support. (Table III, Appendix) That it did so, shows the strength of local sentiment for schools, and this makes it more probable that the income from the Primary School Funds did stimulate school support. The amounts raised from this source are shown in Table III (Appendix). This means of support constituted the great financial factor in supporting schools and ultimately making them free to all.

The township tax remained a small factor in school support until 1859. After that year, this tax and the district tax made up the bulk of school support. (Table III, Appendix)

The state very early provided the rate-bill to make up deficiencies in school support not met by these sources. As the School Fund increased, there was a slight increase in the amount apportioned, but never more than fifty cents per child during 1837-1869. Population increased as well as wealth so that the situation described above was not materially changed. The rate-bill was still needed. The defects of distribution seemed not to have been recognized until near the Civil War period. In 1860 the state superintendent pointed out the nature of the problem: "Our present plan of distribution is eminently bad and unequal. The distribution to each district of the amount raised therein makes the tax really a district tax. It simply levies an absolute and unvarying tax of two mills upon each dollar of taxable property in the district, without regard to the wealth of the people, or the size and cost of their school. The result is that many districts raise more money than they know how to use, while others

are forced to curtail their school terms, or are burdened with heavy rate-bills for tuition." (Supt. Report, 1860, 16-18)

Again, in 1862, this official demonstrated that enough money was collected to make the schools nearly free, but because of the mode of distribution, the amount collected by rate-bills was over twice as much as it would have been otherwise. In 1863 he showed that with an equitable distribution, rate-bills would have been entirely unnecessary. When the county superintendents began to make their reports, they called attention to this matter and urged a better mode of distribution. If the calculations made by the state superintendent in 1863 were correct, it follows that, because of a poor method of distributing school money, the state of Michigan was compelled to wait six years longer to have schools free from rate-bills.

The statistical record of rate-bills is given in Table I, and the figures below. The existence of the rate-bill was the "ear-mark" of schools not free. Yet by this means of support, the state prolonged the school year. This latter effect is seen in the figures following:

Year	Time Extended by Use of Rate-bill	Year	Extension
1855	1.6 months	1863	.48 months
1856	1.7 "	1864	.5 "
1857	1.6 "	1865	.8 "
1858	1.6 "	1866	.8 "
1859	1.4 "	1867	.70 "
1860	.9 "	1868	.66 "
1861	.68 "	1869	not known
1862	.5 "		

Average extension (1855-1868), .99 month, with an average deviation of .41 month. The median extension is .8 month.¹

The part which rate-bills played in district finance is well shown by the rate-bill form (see Appendix), and by its use in those districts maintaining school *but three months* during the year. The table following shows this relation and the relation to income from Primary School Fund.

¹ These facts are computed as follows:

Total wages (1855), \$295,231.29.

Length of school year, 5.5 month.

Wages per month $\frac{295231.29}{5.5}$ equal \$53,678.41.

Total rate-bills (1855) equal \$83,932.84.

\$3932.84 divided by 53678.41 equals 1.6.

This is justifiable because practically all rate-bills were used to pay teachers' wages. In a like manner, the figures were computed for other years.

Year	No. of Dist.	Average Wages	School Fund	Rate-bill
1855	50	\$39.01	\$23.40	\$14.02
1857	74	22.36	11.03	13.80
1861	20	21.15	6.19	11.53
Average Percentage of wages		\$27.51	\$13.51	\$13.11
			50%	47% ¹

The use of rate-bills is best shown by fourteen districts in 1857, in which the amounts were equal. (Supt. Rept., 578-611)

County	Township	Dist.	Wages	Rate-bill	Term
Gratiot	Emerson	1	\$32.00	\$32.00	4 mo.
Houghton	Houghton	1	90.00	90.00	3 "
Houghton	Portage	1	122.00	122.00	4 "
Lapeer	North Branch	2	71.00	71.00	4.7 "
Mason	Pere Marquette	1	26.00	26.00	3 "
Newaygo	Big Prairie	2	45.00	45.00	3 "
Newaygo	Dayton	2	26.00	26.00	3 "
Tuscola	Fair Grove	4	66.00	66.00	3 "
		14			Ave. 3.46 mo.

It is very evident from this table that in these fourteen districts the rate-bills paid the teachers' salaries.

Regarding the influence of development of school support it may be summarized as follows: (1) The development of local (district) taxation under state laws became the chief means of support and finally made the schools free. (2) The development of the township tax was less influential, but helped much at certain periods. (3) The use of the income from the Primary School Fund gave direct aid to support of schools, and, although it cannot be demonstrated by statistics, seems to have stimulated local support which ultimately assumed such large significance. (4) As these means of support grew, the general tendency of the rate-bill was to decline. This is well shown by the percentage of teachers' wages paid by rate-bills in Table I. (5) Many districts relied almost entirely upon rate-bills and School Fund income to support their schools. (6) Some districts evidently paid all of the teachers' salaries from rate-bills. District taxation displaced this.

Since rate-bills were used in both states to pay salaries, the question arises as to how the changes in salaries influenced this movement. Table V (Appendix) shows that teachers' salaries in Connecticut began to increase rapidly in 1865. From 1864

¹ Computed from reports for years given.

to 1869, salaries of men increased \$30.00, or 104 per cent., and salaries of women, \$16.82, or 73 per cent. By reference to Table IV (Michigan, Appendix) it is seen that salaries increased very much after 1863. By 1868 salaries of men had augmented \$19.61, or 70 per cent., and of women \$9.48, or 76 per cent. This rapid increase in salaries caused people to levy more taxes or use more rate-bills. It tended to increase rate-bills and to draw public attention to them. In this way, the changes in salaries helped to bring about the abolition of rate-bills in both states.

ROLE OF STATE AND LOCAL ADMINISTRATIVE OFFICERS IN THE DEVELOPMENT OF FREE SCHOOLS

CONNECTICUT

The record of the state offices has been shown, and also developments in 1850 to 1870. Barnard for a time was an official advocate for free schools. Camp, Philbrick, Gilman, and Northrop never changed their belief, although one of them believed that the time had not arrived to push the demand for tax-supported schools. The continuous series of reports issued by these men, the use of the *Common School Journal* by these officers as a means of reaching public opinion, and the lectures and addresses by them and their helpers make up a very important factor in creating favorable sentiment to free schools.

The commissioners of the School Fund had little to say about free schools, and thus little influence. These men held an office which could have been utilized better than it was, if they had succeeded in devising and establishing modes of apportionment of money which would have stimulated local activity for schools.

The governor of the state, after 1865, became a member of the state board of education. One of these, Governor English, worked in the final campaign for free schools. The others were relatively unimportant in the whole movement. Legislative committees, in one or two cases, made somewhat superficial investigations of the public schools which helped to form public opinion. The influence of these committees was far less than the influence of the school visitors of the towns. So far as the reports of these officers of the towns were published they indicated a great earnestness for the welfare of the schools. The evidence of their activity in the 1860's has been given. In general, these officers were favorable to free schools.

MICHIGAN

Isaac E. Crary was a delegate to Congress from the Territory of Michigan and was also the first representative after it became a state. He was a speaker of the Michigan House of Represent-

atives, and a member of the Constitutional Convention of 1850. He was familiar with Cousin's report and an intimate friend of John D. Pierce. In the proceedings of 1850, we get the best view of his attitude. "If we are going to have a system of free schools, there should not only be a forfeiture of public money, but a penalty for neglecting to comply with the law. He was willing to leave it to the Legislature as long as the Public Officer was kept, whose business it was to attend to the cause of education. . . ." "It is, I think, the voice of the convention to have a free school system—it is my wish—but we must not impose too heavy a burden to accomplish this object." (Shearman, 216, 220, 239–240, 242)

The attitude of most of the governors has been described in tracing the general movement. Some phases will be recalled here. Governor Mason (1836–1839) expressed himself in favor of free universal education in three different messages. (Shearman, 20, 22, 46) Governor Woodbridge (1841) spoke very strongly of a better mode of school support. He also referred the legislature to the state of education in Connecticut, largely on the assumption that it was excellent there. His knowledge of the situation in Connecticut seems to have been limited, or he would not have given this state as an example of excellency in educational administration, when rate-bills were as common there as they were in Michigan. However, his recommendations were very general, and it may be that he was considering other features much more than the rate-bill. (Shearman, 59)

Governor Barry (1842–45) was favorable to the widest dissemination of educational advantages. (Shearman, 90, 114, 124) During his administration (1843) a law was enacted amplifying and strengthening the use of rate-bills. Governor Ransom (1848–1849) felt very content with the state of the common schools. "The laws by which our common schools are regulated, it is believed, require no change. None perhaps could be devised which would more effectually secure the great object in view, than those now in force." (Shearman, 163, 176) In 1850 Governor Barry again appears, but believed that "no essential change" was needed in the system of common schools. Yet in that same year \$32,318 was raised by rate-bills which was three-fourths the amount distributed from the State Primary Fund. (Shearman, 195; Supt. Rept., 1880, 326) It was in this year,

also, that graduated tuition fees or rate-bills were legalized. It was also the year of the constitutional convention and the prominent free school fight centering there. (Shearman, 212-246, 256-259) In the next message of this official (1851) he was awake to the question and insisted that the legislature should immediately fulfill the provisions of the constitution as to free schools. (Shearman, 262) Governor Parsons (1855) urged the lawmakers to fulfill this obligation, but they gave no heed to his suggestion. Governor Bingham (1857) and Governor Wisner (1859) both urged the legislature to take action, but without any definite results except more rate-bill legislation and a reenactment of the two-mill township tax.

John D. Pierce was the first state superintendent and an ardent proponent of free schools. He was largely responsible for the form of the educational laws of 1837-1838. At a later time Mr. Pierce elaborated more fully his position in the following words: "It was my purpose from the beginning to make all our schools free in every case, from the lowest to the highest—free from rate-bills and tuition bills. I assumed the position that the property of the state should be held for the education of every child in it. But the wealth of the state has ever opposed free schools and yet no class is more deeply interested in the education of all. There is no safety in the midst of debased ignorance. It was urged that while our University should be open to all our young men, we surely were not called upon to admit others without charges for tuition." (Mich. Pioneer Coll., 1: 37-45) Mr. Pierce believed that free and universal education was necessary for the state and for the individual. (Hoyt and Ford, Chap. 9) Speaking of the individual he has this to say: "By means of the public schools, the poor boy of to-day without protection of father or mother, may be the man of learning and influence to-morrow and he may accumulate and die the possessor of tens of thousands; he may even reach the highest station in the Republic, and the treasures of his mind may be the richest legacy of the present to the coming generation." (*Ibid.*, 17) For society education is "to advance the interests of the whole people." (*Ibid.*, 98) As a member of the Constitutional Convention of 1850, he worked with Crary and others to secure the section on free schools. Franklin Sawyer, Jr. (1841-1843) insisted very strongly that "the property of the state ought to be held liable for the education of all

within its borders." (Shearman, 62) O. C. Comstock (1843-1845) seems to have left no expression concerning free schools. Ira Mayhew (1845-1849 and 1855-1859) exerted considerable influence on the development of schools and school support. His book, *Means and Ends of Universal Education*, helped to form opinion on matters of popular education. In 1858 he published the results of an investigation of the Union schools and thus helped to advance this type of school. Francis W. Shearman (1849-1855) was influential in formation of favorable opinion and securing legislation. (Supt. Rept., 1853, 6-7)

John M. Gregory (1859-1864) in his first report claimed that "the public sentiment of the state demands that education should be made free to every child." He protested against the system of distribution of school taxes and urged that distribution be based on need per district. He made a plea that the state assume the burden of furnishing universal education. (Supt. Rept., 1859, 19, 61) Again, in 1862, he urged the adoption of a more equitable distribution of school taxes. He also showed by use of the amount of school income then available that free schools were possible for six months in the year if the money was rightly distributed. (Supt. Rept., 1862, 4, 82) His recommendations about this were repeated in 1864. (Supt. Rept., 8) In 1863 he blamed all the evils of the rate-bill system upon the bad apportionment of money. (Supt. Rept., 27)

Mr. Gregory was succeeded by Oramel Hosford, who held this office, 1865-1872. In 1868 Mr. Hosford set forth the question of free schools at great length in his annual report. This has already been described. This was undoubtedly the most important thing which he did with reference to free schools. It had considerable influence in bringing the legislation of the following year. These officials in the main believed in, and wrote and spoke in favor of free schools and better means of support for them. Their work in their annual reports, their communications with school officials, their opportunity to influence legislation at the state capitol and their public addresses made their work a very important factor in the actual development of free schools.

The first reports made by county superintendents appear in 1867, the office having been established that year. The superintendent of Cass County called attention to use of rate-bills and their influence on breaking up attendance. He further pointed

out the difficulties inherent in the mode of distribution of school money then in use. (Supt. Rept., 1867, 37) The superintendent from Eaton County pointed out that the same difficulties existed in that county. (*Ibid.*, 43) The superintendent of Kent County claimed that it was impossible, under existing laws, for several districts in that county to make their schools free. (*Ibid.*, 64) John D. Pierce, who was in 1867 the county superintendent of Washtenaw County, said, "In my first report, January 1837, I affirmed the principle that the property of the state should be holden for the education of every child in it. Its good order and safety require it." (Supt. Rept., 1867, 116) Mr. Pierce still had the rate-bill to contend with; in this year it amounted to \$3,050.31 for his county. Inasmuch as the average monthly salary of a teacher in that county was \$16.83, and the average amount of money per teacher paid for instructor in rate-bills was \$8.54, about one-half month's schooling was paid for by rate-bills. In other words, the schools were free 6.7 months and rate-bill schools .5 month. (Supt. Rept., 1867, 251-258) Thus out of about forty county superintendents, these four spoke specifically about the matters involved in the development of free schools while all the others complained about the bad conditions of schools. During that year but five counties out of all reporting included no rate-bills in their figures. (Supt. Rept., 1867, 254) The next year there were forty-seven county superintendents. The superintendent of Allegan County reported that he knew of no use of rate-bills in the county. (Supt. Rept., 44) Superintendent H. A. Ford of Berrien County issued a periodical or bulletin three times during the year, known as the *Berrien School Journal*, and sent it free to all school officers and teachers. In one number a "letter to the annual meetings" appeared, urging the abolition of the rate-bill and other reforms. He also furnished the county press material similar to this. He was able to report that the "relic of barbarism yclept the rate-bill, was wiped out in many districts and provision was made for better pay for teachers." (Supt. Rept., 1868, 51) In 1867 the amount raised by rate-bills in this county was \$2,787.58. In 1868 with an increase in expenditure, it was \$2,570.77. From Branch County, the superintendent reported that they were "getting rid of the rate-bill as fast as possible." (*Ibid.*, 54) In 1867 the total for Branch County was \$3,177.64; a year later it was \$2,828.37.

The superintendent of Cass County claimed that his teachers were embarrassed by rate-bill panics. "In those terror-stricken schools—with a teacher worthy of his hire—the cry of rate-bill by some skinflint would cause pupils to leave the schoolhouse as if it were on fire." (*Ibid.*, 58) The superintendent of Clinton County reported better support by tax and said it prophesied "the early annihilation of the detestable rate-bills. He also urged legislative action to make all schools free. (*Ibid.*, 63) From Hillsdale County came the report that one of the serious hindrances to success in the schools was the disgraceful rate-bill. "Nearly every director in this county signed a petition to be presented to the next legislature for the abolition of the rate-bill system." (*Ibid.*, 73, 74) During the year the total amount of rate-bills had slightly increased. The superintendent of Ionia County went to every director in his county calling his attention to problems to be attended to and one of these was the rate-bill. He also reported better support of schools and probability of large decrease in use of rate-bill. (*Ibid.*, 83-84) Superintendent Bicknell of Kent County urged legislative action to abolish the rate-bill so that Michigan could proclaim "the schools forever free." (*Ibid.*, 98) The man in Macomb County emphasized the fact that seven out of eight union schools in the county were free. He also blamed the rate-bill for poor attendance. (*Ibid.*, 103, 105) The testimony from Montcalm County was that when schools were free the attendance was good. The superintendent of Muskegon County said "the greatest drawback to our schools is that abominable rate-bill. I hope and pray that the next legislature will wrap it in its winding sheet and give it decent burial in a grave so deep that it will never be resurrected." (*Ibid.*, 117)

The number of persons outspoken in 1867 among county superintendents was, as is shown, far greater than in 1866. This is partly explained by the work of the State Association of County Superintendents which discussed the question of rate-bills and appointed a special committee to consider the matter. Several of the county superintendents published bulletins on school matters, maintained by advertising, and circulated them free to school officials and teachers. Many made use of the local papers to form sentiment. County superintendents were very influential in securing the free school law of 1869.

POLITICAL THEORY AND FREE SCHOOLS

The growth of free schools was one of the lines of development of our American society in harmony with the political theory of popular government. Popular government rests upon general suffrage of some sort. The worth of popular suffrage depends upon the degree of intelligence used in its exercise. This makes necessary some form of education which shall reach to and educate all voters. This argument appeared in many documents during the period of 1800-1870. One of the reasons back of the tuition exemptions in the various rate-bill laws was this belief. Still another, and more important, was the doctrine of equal opportunities for all. This is shown in the fuel exemption law of 1824, in section 16 of the rate-bill law of 1839, and in the exemption clauses of the rate-bill laws of 1856, 1860, 1862, 1863, and 1864. This is most pertinently stated by the visitor of Plainfield society, 1845. Even Mr. Barnard, when advocating the retention of tuition, would have it so low that all could use the schools. Porter's Prize Essay assumes this doctrine to a very large degree. Practically every one of the important state officials made use of the argument. An example is the statement of Governor Minor. The first argument quoted from Mr. Northrop is of this type. This doctrine, and the belief that popular education would eradicate distinctions, were used by the state board of education, 1866. The resolutions of the convention in Fairfield County (1856) assume this doctrine, but give it a more general application. The first statement of the platform adopted by the State Teachers' Association (1868) is one form of this argument. (See Appendix) The same argument is included in the petition of the Hartford Ministerial Association. (See Appendix) The article by E. F. S., on "How Shall our Schools be Supported," begins with this theory. (See Appendix) In these discussions, the theory received various formulations, and some extensions. One often used was that taxation for schools was the insurance of the rich that their property would be safe from criminals. While arguments were used that free schools would help to eliminate caste-like social distinctions, very few expressions exist to show

the existence of such conditions. The following from the *Common School Journal*, exhibits a very intense attitude by the writer:

"Another cause is the too prevalent feeling among the 'better classes' that their children will be contaminated if sent to the public schools with 'everybody's children.' In certain monarchial countries the heir apparent to the throne can sit upon the same form with the son of a tradesman; but in REPUBLICAN America a portion of the children must be educated in a 'caste,' the pass-word of which is five dollars (more or less) per term of eleven weeks! While I do honor the motive of the parent who sends his child to a select school because it affords better advantages, I cannot but despise his BOGUS aristocratic feeling that LOOKS DOWN upon the public school BECAUSE it is—free!" (*Journal*, 1863, 131)

As one considers schools as free and relates this to the emancipation of slaves by the Civil War, the question arises as to the influence of the political principles involved. In Connecticut this is very evident in the law extending free school privileges to all persons regardless of race or color.

In both states the establishment of a state officer to have some little control or direction over education is an example of centralization of power. In Connecticut this was largely the result of the establishment of a similar office in Massachusetts. In Michigan it was actuated directly by the Prussian system. John D. Pierce describes how he and Isaac E. Crary planned the scheme about 1832:

"Crary, a graduate of an Eastern College, and a warm friend of education, was for a year or two an inmate of my house. The conditions and prospects of our new State were often the subject of discussion, and especially of schools of various grades, from the highest to the lowest. About this time, Cousin's report on the Prussian system, made to the French minister of Public Instruction, came into my hands, and was read with much interest. Sitting one pleasant afternoon upon a log . . . General Crary and myself discussed, for a long time, the fundamental principles which were deemed important for the convention to adopt, in laying the foundation of a new State. The subject of education was a theme of special interest. It was agreed, if possible, that it should make a distinct branch of the government, and that the constitution ought to provide for an officer who should have this whole matter in charge, and thus keep the importance perpetually before the public mind." (Putnam, 21-22)

Mr. Crary was a member of the convention in 1835 and helped much in drafting the provisions regarding education. Section I of the article on education provided for the choice of an official to be known as the superintendent of public instruction. This

office representing, as it did to some degree, central authority had considerable influence on the development of free schools. But those who favored free schools said little, if anything, about such an office and its functions. It would have been unwise and impolitic to describe it in such terms. The theory of centralization was not *loudly* proclaimed, but the office was established and did good work in a period when the similar office in some other states amounted to very little. The control of the schools by state legislation is also centralized control to some degree. The free school law of 1869 is a good example. Such seems to have been the workings of this group of principles.

If we examine closely the discussions of individuals related to the development of free schools in Michigan, we shall find continuous use made of arguments based upon the theory of local self-government, and especially upon the claim of democracy that all should have equality of opportunity. Those who would favor district control objected to state compulsion in matters of education because they claimed the right, exercised in town meeting, to do this themselves. The objections made at various times to the levying of a tax, the entire proceeds of which do not remain in the community where they were collected, was ultimately based on the idea of local control of such funds. Some instances will be given of the actual use of democratic theories in the movement for free schools. Governor Mason, the first executive of the state, used it in his message when discussing the needs of education. "Here the rights of all are equal and the people themselves are the primary source of power." (Shearman, 20) In his third message (1838) he used these words, "Every free government is called on by a principle of self-preservation to afford every facility for the education of the people. The liberty of a people cannot be forced beyond its intelligence." (Shearman, 32) In the last message of this same governor (1839) his expression was even more pointed: "In a government like ours, which emanates from the people, and where the entire administration of its affairs is submitted to their supervision and control, *no other subject can equal* in importance that of Public Instruction." (*Ibid.*, 47)

In 1841, Governor Woodbridge touched a similar point: "If any political axiom be better established than others, it is this, that no republic can long exist, unless intelligence and virtue

predominate among, and characterize the great body of its people," which, of course, is followed by arguments to better the schools. (*Ibid.*, 59) A year later, Governor Barry stated the argument in this wise: "The universal education of all classes of our citizens is so necessary, and its propriety so generally conceded, that I need hardly urge upon you its importance. . . . The moral and political condition of a people depends in the main, upon the degree of knowledge and amount of useful information diffused abroad among us. . . . The democracy of a learning . . . is, then, essential to the permanence of a republican government, and we can transmit to the rising generation the happy political freedom which we enjoy, only by granting them the benefits of education." (*Ibid.*, 69)

A year later he tersely argued that "Universal education is the only sure basis on which republican institutions can permanently exist." (*Ibid.*, 91) The same type of argument was used by Governors Felch (1846) and Ransom (1848). (*Ibid.*, 131, 153)

The opinions of Governor Bingham (1857) and Wisner (1859) may be stated as follows: Ours is a popular government. Its success depends on the intelligence of the voting masses. Hence make education universal, make its opportunities equal for all, as a means of perpetuating the state.

Having viewed the political opinion as represented by the governors, next let us note those promulgated by superintendents of public instruction. John D. Pierce (1837) wrote that, "It is by erecting a barrier between the rich and poor, which can only be done by allowing a monopoly to the rich—a monopoly of learning as well as of wealth—that such an aristocracy can be established. But the operation of a Free School System has a powerful tendency to prevent the erection of this barrier." (*Ibid.*, 24) His successor spoke in equally strong terms: "Education is a common right—the exclusive property of no man or set of men. The great fountain which supplies one portion of society should be accessible to all. . . ." (*Ibid.*, 79) In 1857 Mr. Mayhew argued that, "Union Schools are adapted to the genius of our government, while select schools and academies are aristocratic in their character and tendency." (Supt. Rept., 1857, 59) These three examples are sufficient. The state superintendent argued for free schools and equality of opportunity, a

political principle of democracy, first for the value to the people themselves, and second for its influence on the state.

A review of the arguments made in the constitutional convention of 1850 and in 1867 show the same general types of political principles to have been used. Just how much influence this kind of argument had no one can say. At times it seemed a mere lifeless political phrase of the time, and at others it seemed to be a vital force affecting men's attitude and activity toward the question of free schools. From the evidence given, it is here held that it was one of the factors useful in finally securing free schools.

FINANCIAL PANICS AND FREE SCHOOLS

The panic of 1837 stopped the distribution of the surplus revenue. It probably did not lessen taxation for schools much for this was used very little at that time in Connecticut as a means of school support. Not having records of tuition for that period, it is impossible to do more than hazard the statement that it would be more difficult to collect tuition. The schools were then largely supported by the School Fund and the dividend from this during the years 1836-1839 regularly increased. This panic seems to have had small influence upon school support. The flurry of 1856-1857 caused some discussion in the General Assembly. In the same year a well-defined movement in the State Teachers' Association for free schools resulted in some legislation, but not in the abolition of rate-bills. There may have been some relation between this failure and the panic, but the evidence does not reveal it.

The attention of the legislators in Michigan in 1837-1839, was much given to matters that would tend to save the state from indebtedness and not increase expenditure. Much activity concerned the banking situation, yet it was in 1837 that the school system had its beginning. These two sets of facts do not contradict each other. The school system was started, and then came the effects of the panic. As a result no prominent legislation was immediately enacted that would mean increased expenditure.

THE CIVIL WAR AND FREE SCHOOLS

In both states, women came into the teaching profession in large numbers. This was partly due to the fact that men were in the army. In 1861-1862 in Connecticut the men employed in the winter numbered 983, and the women, 927. The next year, the figures were 818 and 1,236. And in 1864-1865, the number of men had decreased to 757, and the number of women increased to 1,338. The change for summer terms was similar. The percentage of increase for women was 30.5. The corresponding percentages for Michigan from 1862 to 1865 were 44 (decrease of men), and 25 (increase of women).¹

From data in Table V (Appendix, Connecticut) it is shown that there was a tendency for salaries to decline during the first years of the war. Table IV (Appendix, Michigan) shows an opposite tendency. But both show that women could be employed much cheaper than men. Connecticut would have paid about \$6,780 to the 226 men had they been teaching. Instead, about \$6,576 was paid to 411 women. Similarly, Michigan would have paid about \$35,836 to the 1,054 men that left the profession, but instead, 1,508 women were employed for about \$22,620, a clear saving of about \$13,000. (Computed from tables in Appendix) Thus the first change to be noted is largely economic. In both states, despite the actual increase in total school support, there was a marked tendency to practice economy. Further, the major point of view, in public discussion and in legislation, was that of the war. There is no doubt that the Civil War was one great factor in delaying the realization of free schools in both Connecticut and Michigan.

¹ Computed from data given in Smith, p. 35.

PRIVATE SCHOOLS AND FREE SCHOOLS

In Connecticut, by 1850 some evidence is found of a sentiment that private schools were not for the best interests of all concerned.

That year the superintendent said:

" . . . I have felt it to be my duty to the cause of public school improvement, to call public attention to the disastrous influence which our numerous private schools, from the dame school to the academy, are now exerting, not only on the common school, but in the social relations of life, especially in our cities and large villages. . . . I refer to that more numerous class which owe their origin to the real or supposed deficiencies of the district schools, and which would disappear immediately whenever the common schools of a society or district were thoroughly organized and liberally supported throughout the year. The extent to which this class of private schools are patronized by the wealthy and educated families of the state, is at once the evidence of the low condition of the public schools and the most formidable hindrance to their rapid and permanent improvement. It draws off the means and the parental and public interest which are requisite to make good public schools, and converts them, in some places, avowedly, into schools for the poor—as though in a state which justly boasts of equal privileges, there was one kind of education, or one class of schools for the rich and another for the poor. It classifies society at the root by assorting children according to wealth, education or outward circumstances of their parents, into different schools; and it educates children of the same neighborhood differently and unequally. . . . It is my firm conviction . . . that the schools . . . can be made so good . . . that wealth cannot purchase better advantages in private schools, and at the same time be so cheap as to be within reach of the poorest child. . . . I have no expectation of seeing this better sort of things realized, until the support of the common schools is made to rest in part on the property of the whole community, and until the causes which now make private schools to some extent necessary, are removed." (Conn. Rept., 1850, 33-35)

The next year Mr. Barnard said that "Many children who should and would, under some circumstances, be sent to the public schools, attend exclusively private schools of different grades." (Conn. Rept., 1851, 13-14)

The same year Mr. Thomas K. Beecher, lecturer for Litchfield County, stated the case in the following words:

"The academy system which has caused and fostered a spirit of exclusiveness among certain classes, seems to have reached the weakness of old age, while, as yet the common school has not come to fill its place. There can be

found nowhere such active enemies of popular education, as that Board of Trustees, who have grown old with an old academy building on their hands. The people cannot move, for here's a building all running to waste and ruin; the trustees cannot, for pecuniary interests have been entrusted to them; and so it comes to pass, that a poor, puny, starveling academy, and a large, unorganized and ungoverned public school are found side by side, each re-acting badly on the other. The remedy is—Union for the sake of education. In most parts of this state academies and free schools cannot live long side by side." (Conn. Rept., 1851, 59)

The lecturer for Tolland County said:

" . . . at the present time, private institutions of education of every kind are nourished into rank and overgrown luxuriance, by the low condition of the common schools." (*Ibid.*, 22)

The difference in expenditure for the two types of schools are set forth for Thompson society, in 1851, as follows:

"In the center district, \$111 have been paid for private tuition, and thirteen children between the ages of 4 and 16 have received the benefit of it.

"By consulting the expense table and this statement, it will be seen that all the money raised in town for support of our common schools, in which between 1,300 and 1,400 have received all the instruction they have had, is not equal to the amount paid for the tuition of 13 children who have attended the select schools." (Conn. Rept., 1851, 102)

In 1855, Superintendent Philbrick pointed out that most summer schools were private or subscription schools. (Conn. Rept., 1855, 26) The visitor's report from Norwich for 1855 sets forth the comparative costs of the two kinds of schools. Six children attended private schools, paying an average tuition of about \$23 per year. This was more than twice the cost per scholar for the "public schools, including the current expenses and interest on capital invested in schoolhouses." It was almost half the amount for public schools containing 710 pupils. If common schools were bettered, this high tuition might be saved (?) If all public schools were abandoned, at this rate, the cost per year for tuition alone would be \$20,003. (Conn. Rept., 1856, 64-65) Four years later (1860), 262 private schools were reported to the superintendent, having an enrollment of 7,187 pupils who paid \$71,341 in tuition. But ten towns made no reports and they included territory having "many costly private schools supported four terms a year." "It is estimated that 8,000 children are in private schools, for some portion of the year, and that the tuition is about \$100,000." (Conn. Rept., 1861, 20) The total resources of the public

schools that year amounted to \$390,201.90. (Appendix, Table II) The visitor reporting for the town of Thompson, in 1856, said:

"The idea of a select school for those who can afford it is, when rightly viewed, repugnant to the spirit of our free institutions, and is only excusable where the people refuse to raise our common schools to the proper standard." "Schools should be good enough for the rich and cheap enough for the poor." (Conn. Rept., 1857, 53)

At New Haven, before the establishment of free schools, "private schools absorbed the interest and patronage of those who had the disposition and ability to provide a good education for their children, and the public schools were permitted to exist as a forlorn refuge for the children of the poor." (Conn. Rept., 1855) By consolidation, small districts ceased and the society had full control. "The school consisted of children from all classes in social position. Parents who had before looked solely to private schools for the education of their children" patronized this school. It had been "made good enough for the best and free to all." "Every child between the ages of four and sixteen years, had a right to an immediate and free admission to one of the public schools." In 1854 the chairman of the school committee of Collinsville said select schools were usually started there in the winter by some adventurer, and were of questionable value, but helped to weaken the public school. (Conn. Rept., 1855, 6-14) In 1863, the superintendent said:

"There have been several instances the past year where private schools have been established by young ladies who have been rejected upon an examination for a public school, or who had failed in keeping a common school, and yet through the intercession of friends, or appeals to the benevolences of others, have secured a private school, which has been successful only in withdrawing interest and support from the public schools." (Conn. Rept., 1863, 23) The following table shows the private school statistics of 1868:

County	No. of Schools	No. of Pupils
Hartford	35	1,880
New Haven	92	3,183
New London	34	1,017
Fairfield	90	2,458
Windham	10	388
Litchfield	50	1,101
Middlesex	24	506
Tolland	15	390
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(Conn. Rept., 1868, 138)	350	10,923

The statistics of pupils in public and private schools for the decade 1869-1879, were as follows:

Year	Private	Public
1870	9,583	114,896
1871	9,304	119,944
1872	8,754	122,342
1873	9,029	123,834
1874	8,529	123,386
1875	8,422	127,720
1876	9,145	128,634
1877	9,816	128,922
1878	10,180	129,388
1879	11,190	130,937
Increase	1,526	16,041
Per cent. increase	15.9	14.0

(Conn. Rept., 1879, 22)

These tables show for the first few years after the enactment of the free school law, a tendency to decline in private schools, while the increase in public schools was practically continuous throughout the period. Yet the greater percentage gain was in the private schools. If we compare the private attendance in 1868 (see above) the decline is still more marked. The supposed cheapness of public schools would partly account for this decline. This argument was frequently used. The best expression of this appeared in an article entitled, "Do Our Public Schools Pay?" which is here quoted:

"This question is often asked of late, especially by that numerous and proverbially patient class, taxpayers. . . . It will be our purpose to show that even in an economical point of view, our public schools do pay. . . . The lowest rate in respectable private schools is \$5.00 per term of eleven weeks. Twenty dollars (\$20.00) per annum then, is the lowest figure in the private school system. In many of the best private schools, the rates of tuition are \$40.00 and \$50.00 per annum. Below is a table of the cost per pupil, in twenty cities and towns in various parts of the United States. It is compiled from the official reports of the school officers in those places.

Boston	\$15.75	Indianapolis	\$ 9.91
Roxbury	15.05	Cincinnati	14.16
Danvers	11.83	Cleveland	10.45
Springfield	9.23	Zanesville	13.64
New York	12.52	Xenia	11.61
Bangor	9.76	New Britain	8.10
Philadelphia	15.83	New Haven	14.69
Baltimore	21.59	Hartford	14.05
St. Louis	12.75	Waterbury	5.81
Chicago	14.00		

"Average rate in twenty cities and towns, \$13.01. It will be seen, therefore, that the difference between the highest rate of private and public tuition (\$50.00-\$21.59) is \$28.41. Comparing the lowest rates of each, we have

(\$20.00-\$5.81) equals \$14.19. The difference between the average rate of the twenty places mentioned, and the lowest of private tuition is (\$20.00-\$13.01) or \$6.99 in favor of the public system. It may therefore be said, without fear of negation, that even in a financial point of view, OUR PUBLIC SCHOOLS PAY." (Conn. *Common School Journal*, 1862, 311-313)

There is an error in this statement. There are but nineteen towns included. This would somewhat change the values. The average then becomes \$12.51, instead of \$13.01. The first and second differences remain the same, because the average is not considered, and \$7.49 should replace \$6.99. It is known that private schools existed from very early times in Michigan. Their purposes were varied. Some were commercial ventures of certain teachers; others were maintained by religious sects to further their own interests. (Supt. Rept., 1867, 72) Some were organized to prepare teachers for examinations. (Supt. Rept., 1867, 46) Many of them seem to have been of the academy type and were incorporated by special acts of the legislature. (Shearman, 503-544) No statistics were reported concerning these by the state superintendent until 1863. Table VI (Appendix, Michigan) gives the attendance for both public and private schools. The growth of private school attendance was continuous from 1863 to 1868. From 1869 to 1874, the general tendency was a decline. In public school attendance, the increase was practically continuous.

The private schools of Michigan were not criticised by school officials like those of Connecticut, and evidence is wanting to show other relationships to free schools.

In general, private schools were a hindrance to free school development, as the evidence given shows. The opponents of private schools declared that such schools were often un-democratic, anti-republican, un-American, conservers of caste in an otherwise democratic society, opponents of public schools, agencies which weakened public school attendance, enrollment, and support, and that such schools often grew up because of poor public schools and then continued to exist for the same excuse. That private schools decreased attendance of public schools is evident from the fact that, in both states, private school attendance tended to decrease after the enactment of free school laws. The antagonism against private schools seems to have been greater in Connecticut.

EDUCATION AS CHARITY

Mr. Barnard stated in 1850 that the system of private schools, by withdrawing attendance from the public schools, left the public schools for the poor. (See Private Schools) This view was stated by many others. From this fact, and the fact that indigent pupils were exempted from tuition in public schools, arose the phrase "pauper school." That meant that free education was charity. How strong was such a feeling, and how did it influence the coming of free public schools? If we examine the early apprentice legislation of the two states, we find that in one (Michigan), the management of this was placed in hands of the justices of the peace as overseers of the poor, and that it was intended primarily for the children of the indigent. This was not the case in Connecticut. All who were not educated in some other manner, were to be apprenticed, regardless of economic status. As we review the rate-bill legislation of both states, we find that the exemptions from tuition charges are based on indigence of the recipient, *i. e.*, it was a matter of charity. How much self-respecting persons felt the implications of such exemptions is difficult to tell. Northrop mentioned (1868) a case of a washerwoman who scorned to send her children to such a school. (Conn. Rept., 1868, 135-138) Mr. Philbrick (1855) mentioned the case of a boy idling his time away in the streets because his father was too poor to pay the rate-bill, the implication being that the father was too proud to ask for exemptions and be classed as indigent. (See Appendix) Northrop related an example of a widow who was burdened unduly by the tuition charges and who would not ask exemptions. His best example was that of a carpenter who was reported to have said, "So far, I have always supported my family, and so long as I can work, I won't beg for schooling." (See Appendix) It may have been that such examples were plentiful, but facts do not reveal them. If free school privileges were a mark of charity, we should expect the majority to be opposed to such schools. But we find instead that panics were created when it was found that the rate-bill would be increased. People did not want to pay tuition.

In both states such panics were mentioned. It seems probable that when the issue of free schools was raised, it may have aroused a somewhat latent feeling that free education was charity. Several evidences about 1868 show that many people were considering making public schools charity or pauper schools. The first is a statement of Secretary Northrop:

"Much has been said in Connecticut during the last year in favor of maintaining public schools exclusively for the poor." (Conn. Rept., 1868, 135-138)

One of the members of the State Board of Education stated in a public address at Bridgeport that some were saying, "The State has no right to educate any but paupers." (*Ibid.*, 137) In the "Ten Planks in the Common School Platform of Connecticut," drafted by the State Teachers' Association, the third was, "No pauper schools, but schools for all." (*Ibid.*, 121) The visitor of Stonington wrote:

"The invidious distinction now attempted to be made, . . . that the common school is only for the poor who are unable to secure knowledge elsewhere, . . . is slanderous to those principles upon which the whole system of common schools is founded, and should be indignantly repudiated." (*Ibid.*, Appendix CIII-CIV)

The two visitors of Windham said:

"There is, however, we regret to say, another consideration connecting itself with the discussion about the Normal School in the State, which at present is vehemently urged against the school. That is nothing less than an avowed purpose, in some quarters, to oppose the established New England idea that the common schools should be good enough for all classes of children, and to make them good enough only for the children of the poor; in other words, to make pauper schools. It is amazing that in Connecticut, in this year 1867, intelligent and educated men can be found who urge such changes." (*Ibid.*, CXVII)

These evidences show the existence of such a belief in Connecticut. In examining the history of Michigan, one finds practically no reference made to such a feeling or belief.

How did this conception influence free schools? In one way, not at all. No evidence is found to show that when schools were made free, people felt themselves paupers. In another way this conception affected the development of free schools. As long as public schools were thus viewed, there would be two groups of society, one that could patronize private schools, and one that must accept the charity of the public school. This condition

conflicted with popular political principles of that day, as well as tending to make schools very much neglected. This was one of the things that free schools was to eliminate. Again, the publicity given to such a belief in the writings of Northrop helped to form sentiment against it. The campaign for free schools meant a more thorough formation of opinion against this conception. (See Appendix)

. INFLUENCE OF BELIEF IN THE MORAL VALUE OF GENERAL EDUCATION

The code of 1650 exhibits the Puritan belief in the religious and moral values of education for all. The later changes in this law still retain the fundamental idea of education for the moral value. Noah Porter's essay strikingly sets forth this view. Governor Minor referred to the moral value of education in 1855. Secretary Northrop's arguments for free schools give much attention to this belief. The Ordinance of 1787 (Art. III, sec. 3) incorporates this belief into law. In the Constitutional Convention of 1850 in Michigan, this view was advocated very well by Moore. In the Michigan sectarian controversy, the statement of Levi Bishop is a defense of the secular school because of its moral value. John D. Pierce held to this view and declared it at various times. The citation from the Norwalk *Gazette*, the statement of a member of the Connecticut State Board of Education, the memorial of the Hartford Ministerial Association, and the platform of the State Teachers' Association (Conn.) are evidences that this belief was firmly held by the advocates of free schools. This belief and its relation to free schools may be reduced to the following statements: (1) Education produces moral results; (2) it is necessary that all have the advantage of moral training thus afforded; (3) to make these values universal, schools must be free.

SUMMARY

CONNECTICUT

The more remote origins of our free schools were European educational practices. The actual beginnings were in the colonies. In Connecticut, there existed a widespread and firm belief in the necessity of general and vocational education. All men should be able to read and write, should be trained in morals and religion, and fitted for some vocation. For many the vocational training was apprenticeship; for a few the vocational training was obtained in the college or by private study. Two phases of free schooling developed. First, children of the poor unable to pay tuition for instruction in reading and writing, were exempted from such charges, and the expense borne by the community. The poor were schooled at public expense, but it was considered charity. Second, some schools seem to have been free to all who attended them. Apprenticeship, in some cases, may have been supported by the public.

Before the Revolution, decentralization in school control had gained much headway. Immediately after the war it continued, and increased until the state government had surrendered to the small district and society practically all control over education. It was thus easier for disinterested local communities to avoid responsibility for school support.

In 1795 the school fund was established, the first in the United States. The income from this fund, together with the money from the state tax, made it possible to maintain schools in local communities several months each year without charging tuition or levying local taxes. It was believed that the fund income would support the schools. So we find that communities began to place complete reliance for such support upon this income and the state tax. In 1821, the state taxation ceased, and more dependence was now placed upon the fund income. The cost of schooling gradually increased, and communities which had not paid school taxes for several decades faced the problem of meeting the increase. Loath to levy taxes, they followed other early

precedents and charged tuition fees, which action had been legalized after the Revolution by the law of 1796. Other localities levied taxes and charged tuition. The earlier practice of exempting the poor from payment of such fees was revived. Many difficulties were encountered with the bills for tuition and the exemptions therefrom. Attempting to overcome these difficulties the state enacted the following series of laws: tuition law, 1796; fuel exemption law, 1824; first real rate-bill law, 1839; recodification, and fixing of maximum rates, 1856; rate-bills to be fixed "at or before commencement of term," 1858; rate-bills to be made out before close of term, 1860; pupils attending part of term required to pay full term tuition, 1862; many special acts to validate illegal practices, 1860-1864; last rate-bill law, 1864. These laws were all ineffectual attempts to make the rate-bill system work smoothly.

The Town Deposit Fund was wastefully managed and did not better the situation. The necessity of levying taxes to pay interest on these funds may have helped to accustom some localities again to pay taxes for schools. Local taxation, in town and district, was very important, greatly exceeding the support from town deposit funds, state school fund, or rate-bills. The people of Connecticut were slow to recognize the necessity of taxation to support schools. No state tax was levied from 1821 to 1856, yet by 1846 *it was evident that if schools were to be free, taxation must be used to supplement other sources.*

The income from the state fund was not distributed efficiently to stimulate local support. That such was possible was shown by the record of the state to aid the growth of school libraries. Better methods of distribution of state fund income were advocated several times. If they had been used, local school support would have more rapidly increased.

From 1800 to 1840, the tendencies in education were toward a general decline. About 1835, contemporary with the so-called "Common School Revival" in other states, some manifestations of an awakening interest in the schools began to appear. The work of a legislative committee, the establishment of the Board of Commissioners of Common Schools with Henry Barnard as secretary, and other agencies stimulated greater interest in schools. Gradually the aroused public sentiment took form in the general school code of 1856 which abolished school societies,

re-established a state tax for schools, but did not make schools free as had been demanded by the State Teachers' Association. The tax established was one-tenth mill on the dollar to be levied by all towns in the state. It was changed as follows: to three-tenths mill, 1860; to four-tenths mill, 1866; to six-tenths mill, or enough to make schools free, 1868. The state made district taxation optional but it increased about as rapidly as the required town tax.

Very slight evidences of actual existence of free schools are found until after 1856. It is true that the school fund income may have made many schools free in the earlier decades. Hartford made its schools free in 1847, and free teachers' institutes and free normal school were provided in 1848 and 1849. From 1853 to 1860, cities and towns consolidated their districts and, in some cases, made their schools free. Examples are New Haven, New London, Collinsville, Norwalk and Norwich. In 1860, the state superintendent reported a total of 252 free school districts out of 1624. Wolcottville and Cromwell were reported free in 1866. A year later, the secretary of the State Board of Education reported free secondary schools in the following places: Branford, Bristol, Colchester (Bacon Academy), East Hartford, Hartford, New Haven, Middletown, New London, Norwich, Stamford, Torrington, Waterbury, and Windham. From 1855 to 1867, out of the 1,600 districts in the state, the estimated numbers of free districts varied from 699 to 1,225, leaving about 300 to be affected by the law of 1868. From 1856 to 1868, approximately 90 per cent. of the school support came from other sources than tuition and rate-bills.

MICHIGAN

The record of the free schools of Michigan began with the Federal control of the Northwest Territory. The land survey ordinance of 1785, the ordinance of 1787, and the subsequent "Powers to the Board of Treasury" gave guarantees that an attempt would be made to provide school facilities for the poor as well as for others, and set aside "lot 16" for the land endowment of the public schools. The territorial laws of 1795, establishing "Orphans Courts," and "For the Relief of the Poor" were the first attempts to do what was proposed by the ordinance of 1787. These laws incorporated the idea that free education

was charity and that apprenticeship for the poor should be provided at public expense. *Free education was for the poor only.*

In 1809, the schools were placed under the management of the overseers of the poor. Eight years later, free tuition for indigent students at the state university was provided. In 1827, a general system was inaugurated, based on local option, incorporating the townships and the small district units. Townships and districts could levy taxes, and the poor were exempted from providing fuel. Actual use of rate-bills including exemption of the poor, was provided by law in 1829. By 1837, the small district had greatly increased its powers at the expense of the township. This decentralization of control is similar to that in Connecticut, but not so complete.

The constitution of 1837 required a minimum term of three months each year in all elementary schools, and established the office of state superintendent, John D. Pierce becoming the first incumbent. By the law of 1827, the township was to raise school support equal to that received from the state fund. In 1831, the town meetings were authorized to levy school taxes not to exceed one dollar per child of school age. In 1843, it was provided that twenty-five dollars for school support should be raised by each township, that in 1844 a tax of one-half mill on the dollar should be levied by the township, and for 1845 and after, such tax was to be one mill. In 1851, this tax was made two mills, in 1853, one mill, in 1859, raised to two mills again, and there it remained until 1879. The total of this tax was much smaller than the district tax from 1842 to 1874. The district tax was optional as in Connecticut. From 1850 to 1869, the more important events were: (1) agitation for state support of sectarian school, 1850-1853; (2) constitutional provision for free schools within five years and non-fulfillment of this requirement; (3) continued growth of rate-bills; (4) rate-bill law of 1859; (5) the optional consolidation and free school law of 1859 for graded and high schools; (6) the growth of free school districts from 1,200 to 2,500; (7) rapid growth of free schools in urban districts after 1862; (8) the growth of total school support by 1862 sufficient if properly distributed to make all schools free; (9) the case of *Wall vs. Eastman* showing that rate-bills could be collected by taxation; (10) concerted movement to abolish rate-bills, resulting in the law of 1869 providing *free schools*.

The rapid growth of free school districts in Michigan was contemporary with such growth in Connecticut. The record for free union districts is as follows: 1842, 1; 1843-1858, 5; 1858, 3 out of 17; 1859, 18 out of 25; 1862, 27 out of 31. In 1866, the state superintendent referred to all such districts as free.

From 1859 to 1867, the percentage of the *districts free* varied from 33 per cent. to 60 per cent., the average being 52 per cent. Twelve hundred and two were free in 1859, and 2,480 in 1867. Probably about 800-900, or 40 per cent., were free in 1855. A much smaller percentage of the districts in Michigan was free when the law of 1869 was enacted than the corresponding percentage of free school districts in Connecticut. Michigan was adding new districts during this time, and the total in Connecticut was practically stationary at 1,600.

CAUSAL AND INFLUENCING FACTORS

What caused the people of these two states to establish free schools? In answer to this question, it is necessary to note certain fundamental social beliefs and then many other influencing factors. First in importance was *the faith in the efficacy of universal education*. This was present in the Connecticut colony, and it was held by the majority of the settlers of Michigan. In colonial Connecticut the belief was based upon religious, moral, and economic grounds. By 1850, less was said about these and more about the efficacy of a general education for political purposes in a democracy. When schools became secularized, faith in the moral value still persisted. Schools must be made free that education could be universal. Education must be universal so that the social ethics could be maintained and transmitted from one generation to its successors. When the political phase of this faith was emphasized it referred to popular suffrage in a democracy. Popular government rests upon popular suffrage. The worth of the suffrage, and, hence, the efficiency of the government depend upon the degree of intelligence of the voters. Universal education would increase the intelligence and better the government. Hence, schools must be free so that education may reach all.

Second, the growth of our political democracy made the masses of people more conscious of the doctrine of equality of opportunity for all. Making the same school privileges free was interpreted as equality of opportunity for all. Hence, a stronger demand for free schools.

Third, the belief was held that caste-like social distinctions were out of place in a democracy. Some of these distinctions tended to persist and others tended to develop. It was believed that if all persons were subjected to the same schooling, such distinctions would be prevented. Hence, the demand for universal education free to all.

Fourth, a people holding such views might be expected, when they became aroused, to ask whether the existing schools attained the aims or results embodied in such principles. They did ask such questions and found the rate-bill school wanting in the following respects: (1) in such schools, free education was charity and this tended to weaken the self-respect of the recipients of such privileges; (2) such schools tended to emphasize the division of people into two economic classes—paupers and non-paupers; (3) attendance and regularity of attendance decreased; (4) many poor children were compelled to "grow up in ignorance and vice"; (5) because of non-attendance due to (1) and (2), many children were denied equality of opportunity for an education; (6) likewise, non-attendance helped to weaken the interest of parents of absentees in welfare of schools; (7) the absence of the poorer pupils caused more of the expense of the teacher's salary to be paid by those in regular attendance; (8) such schools placed a heavy burden of school support on those least able to bear it rather than on property; (9) because of fear of increased expense, "rate-bill panics" sometimes occurred which practically broke up the schools affected; (10) it was found impossible to collect rate-bills in a satisfactory manner; (11) hence, the regular payment of the teacher's salary was difficult and uncertain; (12) such a system was a practical denial of the right of society to tax *property* for the education of the youth; (13) illiteracy was not decreased; (14) such a system tended to encourage the growth of a system of private schools believed to be more costly and to represent aristocratic tendencies.

What social factors influenced the growth of free schools and favored the abolition of rate-bills? First, and probably foremost, were the social-political beliefs listed above. Second, the growing conviction that the existing schools were not realizing such social-political ideals and were inferior in other respects. Third, the fact that the people of both states were of English ancestry meant the possession of certain educational traditions,

among which were the idea of free schools, exemption of poor from cost of schooling, and payment of taxes to support apprenticeship. Fourth, since English was the predominant language, there was but slight chance for the growth of separate linguistic groups in the two states, which would have opposed state control and demanded a division of resources so that their language might be preserved. Fifth, foreign immigration greatly increased illiteracy in both states. This accentuated one of the weaknesses of the rate-bill school, *viz.*, inability to decrease illiteracy, and intensified the demand for free schools. Sixth, in both states the negro population was practically a negligible factor either pro or con. Seventh, urban as compared with rural communities were more aggressive in favor of free schools and led in the growth of free schools. Eighth, the predominant elements of population in Michigan were from New York and New England. The following influencing conditions resulted: (1) Michigan favored the universal establishment of school facilities; (2) certain great personalities came from this group who favored free schools; (3) Michigan incorporated the rate-bill and public taxation in its system of school support; (4) Michigan adopted the town (township) and small district as local units of school administration. Ninth, religious and sectarian factors were involved as follows: (1) in the secularizing tendency which succeeded in providing that all of the money from the sale of the Western Reserve should be used to support schools; (2) in the large number of Connecticut clergymen who served as local school officials, usually as visitors, and their generally favorable attitude to betterment of schools; (3) in the activities of the Connecticut ministers, 1867-1868, favorable to free schools; (4) in the sectarian demand in Michigan (1850-1853) that certain sects be allowed a share of the state school money, resulting in the definition of the free school as a secular school and the consequent prevention of the dissipation of school support and control; (5) in the religious motive of the colonists and their descendants for the establishment of schools. Practically all of these conditions were ultimately favorable to free schools. The second, third, and fifth were not only favorable but also influential in securing free schools. Tenth, teachers when represented by organizations, or strong personalities, or by educational periodicals, generally favored free schools, although in both states before 1860

teachers were divided on the question. Yet such personalities as Horace Mann and Henry Barnard had very slight influence, if any at all, on the development in Michigan. Eleventh, industrial conditions helped to increase non-attendance, illiteracy, and general ignorance. The rate-bill school could not cope with these difficulties, nor did it attempt to provide the varied types of training, such as recommended by Barnard, needed to meet changed industrial conditions. Consequently, free schools were desired so that attendance, literacy and general intelligence could be bettered. Twelfth, labor organizations of Connecticut and Michigan as distinct groups had little or no influence in securing free schools, although such groups were generally favorable to free public schools. Thirteenth, taxpayers opposed free schools (1) because of added expense, (2) because they would be required to pay taxes for the schooling of other people's children, (3) because they desired to patronize private rather than public schools, and (4) because they believed that secondary schools could not and should not be supported by taxation. Taxpayers also favored free schools (1) because they believed that the moral values of education would be a protection to property, (2) because they believed public schools could be supported more cheaply than private schools, and (3) because many of them believed the free public school to be a democratic institution. The best evidence of the favorable attitude of this group is the rapid increase in the growth of optional district taxation in both states.

ADMINISTRATIVE CONDITIONS OF EDUCATION

1. From 1829 in Michigan and 1839 in Connecticut, the small district was the dominant unit of local educational administration. It was too small to allow the use of any efficient mode of distribution of school money, or to have sufficient valuation to support schools well. On the other hand, it allowed for the growth of district taxation.
2. Throughout the period neither the Connecticut town nor the Michigan town (township) as such had any great control over schools. Consequently, any great influence of this unit was absent.
3. The county was not a unit of educational administration in either state until 1867, when Michigan created the office of county superintendent. As a *unit of administration*, its influence was practically nothing.

4. The state school funds in both states and the town deposit fund in Connecticut were largely unused possibilities so far as they are considered of influence in securing free schools. The state funds probably had some influence in maintaining a minimum term of school in both states. In general, these funds were not used to stimulate local school support, and hence did not constitute a factor of much strength favorable to free schools. The Connecticut state school fund retarded the coming of free schools.

5. In both states, rate-bills helped to prolong the school term, but the difficulties involved in their use far outweighed such an advantage.

6. In both states required town (township) taxation for schools did much to make schools free, it being the stronger in Connecticut.

7. In both states, optional district taxation, at first small in amount, finally came to be the largest single item of school support, and thus the most influential financial element in making schools free.

8. The state superintendents were generally favorable to free schools. From 1856 to 1870 they were usually aggressive in the demand for free schools. Hosford of Michigan, and Northrop of Connecticut were most ardent in their desires to make schools free. Barnard, at first favorable, later changed his attitude.

9. The governors of both states and the school fund commissioners of Connecticut had little influence either for or against free schools. Governor English of Connecticut is the one exception of importance.

10. The county superintendents of Michigan (1867-1869) were favorable to free schools, and helped much to create favorable sentiment for the free school law of 1869.

MISCELLANEOUS FACTORS

1. Political Theory influenced the movement as follows: (a) centralization of control was utilized to a slight degree by the establishment of the offices of state superintendent and state board of education; (b) belief in strong local control perpetuated the small district system; (c) belief in certain democratic principles, mentioned above, favored free schools.

2. The financial panics of 1837 and 1857 had but slight retarding influence on the movement.

3. The Civil War detracted public interest and support from the schools and thus retarded free school growth.
4. Private schools were, in general, a hindrance to the growth of free schools.

RESULTS

The observable results of the establishment of free schools were as follows: (1) a small increase in public school attendance and decrease in private school attendance; (2) a quite general disappearance of the old conception that free public education was charity; (3) in Connecticut, the espousal of the free school policy by the two leading political parties; (4) the establishment of the free school principle as a basis upon which many later extensions have been made in both states; (5) likewise, a basis upon which compulsory attendance laws were soon enacted in both states; (6) judicial determination in the Kalamazoo high school case of free school principle applied to secondary education; (7) provision of equal educational opportunities for all, so far as like opportunities free to all are equal opportunities.

The establishment of free schools has not produced the millennium predicted by its enthusiastic advocates. We have not yet succeeded in really equalizing educational opportunities. We still have caste-like social distinctions, and the problem of moral education is still very much an enigma. Popular suffrage is far from being all that is desired, and our percentage of illiteracy is still too high to be satisfactory. Yet the free public school is essential to a really democratic society, and it is one of the elements of any comprehensive educational system which is democratic in its own character.

The change in public opinion represented by adoption of the free school policy is one of the great sociological changes of the last century. It involves millions in money, millions of people, and ultimately a most gigantic educational program including all grades and varieties of educational institutions.

SOME PRINCIPLES DEMONSTRATED BY THE STUDY

First. This study demonstrates the *practical impossibility of using a tuition system of school support in a democratic community.* The record on this is so clear that it needs no further comment.

Second. The study also demonstrates the fact that *it is not necessary for parents to pay tuition fees to be interested in schools.* We undoubtedly have greater interest in schools than ever before, and schools are more free than ever before. Barnard's contention that a small tuition fee must be collected in order to keep parents interested is not valid.

Third. Inasmuch as the greatest indifference toward schools existed in Connecticut when little or no taxation was used for school support, and inasmuch as the greater portion of school support came later from *optional* district taxation in both states when rapid educational progress was being made, it would seem that *taxation* is not a means of promoting interest, but rather an evidence of interest caused very largely by other factors. The fact that the taxation was optional shows that it was the result of other factors.

Fourth. The history of the Connecticut school fund shows how impossible it was in that state to support the schools solely by the income from the fund. If true for Connecticut, it would also be true for other states. Educational systems that are making progress demand continuously increasing support. This cannot be supplied by such a fund for when the need for income is greatest, the income from such invested funds is not likely to be any higher than at other times. But another type of school support can supply this need.

Fifth. The record of both states reveals the absolute necessity of taxation as the most important single means of support for a system of free public schools. It is an evidence of interest if the taxation is optional, and may be so if required by state law. The ability to pay taxes depends ultimately upon the degree of productivity of the citizenship of the state. This ability keeps pace in its changes with the greater demands for increased educational advantages, for when people are prosperous they are more frequently inclined to make new and increasing demands.

Sixth. Local taxation should be utilized. Such taxation makes it possible for enterprising communities to make rapid advances which would be impossible under the ordinary regulations for state taxation. The record for this type of school support in both states shows its great importance. In Connecticut, Hartford, Meriden, Bristol, etc., and in Michigan, Ann Arbor, Detroit and Grand Rapids are examples of local development

made possible by local taxation and impossible under the existing state taxation.

Seventh. The study also shows the need of state taxation. The evidence is of two kinds. (1) The town and township taxes in the two states made it possible and necessary for all taxpayers to contribute something to school support, which they would not have done if the matter had been optional. In a sense, these taxes were state taxes, because the state required them to be levied and collected. (2) The record of the distribution of state financial aid in both states shows that the methods of apportionment did contribute greatly in keeping schools in session. Further, the record of the state aid to libraries in Connecticut reveals how well local support can be stimulated by proper apportionment systems. This is practically the same principle of taxation and apportionment set forth by Cubberley. (See his *School Funds and Their Apportionment*)

Eighth. It has also been demonstrated that the free school policy is in accord with some of the most fundamental principles of democracy. The evidence need not here be repeated. If it is in accord with democratic principles, it is the correct policy for our states to pursue in all matters of education of vital importance to great numbers of people.

The free schools of 1870-1880 were based upon the conception of an education for all consisting of but little more than schoolroom instruction in reading, writing, and arithmetic. Since then the conception of education has appreciably widened to include instruction in some half dozen additional subjects. Our conception of education widened and we assumed that this broader conception was that of the free school. Very recently we have added kindergartens, school gardens, some new types of high schools; have added new courses in language, social science, natural science, and vocational subjects. Again as our conception of schoolroom education has expanded, we have made that the conception of the free school. This growth of the free school conception of education indicates that as our very comprehensive theoretical educational aims of the present become the actual working aims of the education provided, they, too, will be included in the free school conception of education. Such is the trend of events. If the society remains democratic, is this trend what it should be? If new elements of education are considered

universally necessary, or necessary for large groups of people, they must be free, or else be out of harmony with the principle of equality of opportunity of democracy. The trend is correct for a democratic state. This, then, is the answer to many questions to-day. Shall health education and health inspection be supported by the public? Shall the newer types of vocational education be free? Shall the differentiated curricula of the junior high school, and other plans for reorganization entailing additional cost, be free? Shall text-books and apparatus be free? Shall we feed and clothe the children of the indigent, and grant mothers' pensions so that children of the widowed poor may secure educational advantages? Shall we provide school lunches free of cost? Shall we train lawyers, physicians, farmers, ministers and teachers without charging them tuition fees? Shall the privileges of a general education be granted to adults who need them, as well as to minors? Shall we provide consolidated rural free schools? Shall we establish free county libraries? Shall we provide transportation of pupils, whenever needed, at public expense? Shall the public support scientific investigation and research in our graduate schools? Shall the general treasury pay the cost of scientific expeditions to little known parts of the world in order to increase our common fund of knowledge? Shall public taxation maintain museums of art, history, and science? To all of these questions, the answer is an unqualified affirmative if we are to keep our educational system in accord with democracy. Of course, it may be objected that such a course is impossible because of the cost. But that is quite another question. Expediency will settle that. That they *should* be free is clear; that they *can* be free will have to be settled by conditions of time and place. However, the fact that society is already maintaining practically all of these features at the present time gives some evidence that they can be made free.

Ninth. Will a comprehensive free school policy pauperize the people? The climax of the movement in Connecticut caused the reappearance of the ancient sentiment that free schooling was charity. This same sentiment reappears to-day whenever it is proposed that the free school principle be extended. The history of free schools for the last fifty years shows no such general effect upon the people. Northrop declared that free schools were not a matter of charity but rather a matter of general need. We are

also finding that as we add new elements to our free schools that people are not thereby rendered more inefficient and indifferent to industry and frugality. Such would have to be the effect if we pauperized them. These facts lead us to believe that, carefully administered, the comprehensive free school policy will not pauperize the people.

Tenth. The theory of free schools indicates that practically *all* schooling should be free, and that *all* persons should profit by such advantages. Consequently, even though private tuition schools may exist, their continued existence is at variance with the underlying philosophy of the free school system.

Eleventh. Again and again, the low standards of the public schools became the excuse for fostering and patronizing private tuition schools. If we escape the same tendency to a large degree, it will be because we have maintained high standards in the schools supported at public expense. Well trained teachers, curricula adapted to modern needs, democracy of spirit in administration and in instruction, adequate facilities and support will be necessary.

Twelfth. Since belief in democratic principles was one prominent factor in bringing the free school system into existence, free school support and such principles are found combined. Hence, if free schools cease to be exponents of democratic principles, and if their administrative character tends more and more to the undemocratic, we may expect the public to distrust them, and ultimately to withdraw support from them. If the people themselves ceased to believe in democracy, this principle would not hold.

Thirteenth. The free school movement revealed the value of leadership of the expert in education. In a very true sense Barnard, Mann, Pierce, and Northrop were, for their times, experts in education.

Fourteenth. The record of the movement is one of gradual growth of opinion favorable to free schools. This sentiment was the result of many educational factors. The whole movement, then, becomes an example showing how important advances in education can be made by a wise policy of educating public opinion.

Fifteenth. The study also shows the great power of ideals as factors in bringing about important changes. The religious ideal of the need of universal education for morality and the ideals of political democracy were the most important causal factors in the movement.

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CONNECTICUT

TABLE I
POPULATION AND SOCIAL STATISTICS

Year	Total Population	Whites	Slaves	Free Colored
1701	30,000 (est.)			
1749	100,000 (est.)			
1775	262,000 (est.)			
1790	238,141	232,581	2,759	2,801
1800	251,002	244,721	951	5,330
1810	262,042	255,279	310	6,453
1820	275,202	267,161	97	7,944
1830	297,675	289,603	25	8,047
1840	309,978	301,765	17	8,205
1850	370,792	363,099		7,693
1860	460,147	451,504		8,627
1865	522,145 (est.)			
1870	537,454	527,549		9,668

ILLITERACY*

Year	Total Aliens	ILLITERATES				Per cent. Pop. 4-16 Yrs. Old
		Native	Aliens	White	Colored	
1820	568					30.59
1830	1,481					28.55
1840						26.67
1850	38,518	1,293	4,013	548	17	24.46
1860	80,696	5,678	23,938	4,739	567	22.92
1870				27,913	1,675†	

VOCATIONS

Year	All Vocations	Agricultural	Manufacturing and Trades
1840	95,275	56,955	27,932
1850	97,013		64,469 (20,467 females)
1860	161,366		89,527 (20,810 females)
1870			

NATIVITY OF POPULATION IN 1850

Me.	670	Conn.	292,653	Va.	288
N. H.	795	N. Y.	14,416	Ga.	217
Vt.	1,508	N. J.	1,174	Ohio	400
Mass.	11,366	Penn.	1,035	Average for all other states (19) was 48.	
R. I.	6,890	Md.	265		

* In 1870, Connecticut had 19,680 persons, ages ten years and above who could not read, and 29,616 who could not write.

† Unable to write, aged ten and above.

NOTE.—These statistics are compiled from the U. S. census reports in practically every item.

TABLE II
RATE-BILLS IN CONNECTICUT, SCHOOL DISTRICTS, TOTAL SUPPORT

Year	Total Rate-Bills	Dist. Using	Dist. in the State	Total Receipts All Sources
1837			1,664	
1846	\$17,076.93		1,351	
1855	31,839.00	941	1,640	
1856	35,000.00	950	1,626	\$349,547.39
1857	38,960.00	747	1,626	352,252.42
1858	45,499.00	776	1,614	358,235.40
1859	38,381.00	691	1,624	394,315.40
1860	39,164.00	778	1,624	390,201.90
1861	31,847.00		1,623	345,184.00
1862	31,399.00		1,632	391,550.35
1863	29,486.00		1,626	402,187.40
1864	31,422.00		1,609	390,454.20
1865	49,984.25	499	1,623	453,663.28
1866	76,441.92		1,609	562,241.40
1867	89,260.03		1,590	704,986.70
1868	139,406.84		1,572	983,806.32
1869			1,570	1,043,086.71

TABLE III
SCHOOL FUND DIVIDENDS

Year	Children	Dividend	
1799	\$60,403.78	
1800	23,651.10	Under original committees.
1801	15,073.27	
1802	15,950.75	
1803	47,505.02	
1804	49,312.74	
1805	45,157.39	
1806	47,941.87	
1807	39,100.77	
1808	41,023.17	
1809	26,540.68	
1810	45,088.90	
1811	45,531.59	
1812	32,309.80	
1813	26,075.10	
1814	39,223.50	
1815	38,878.00	
1816	40,595.72	
1817	40,186.32	Under first commissioner, Hillhouse.
1818	49,404.98	
1819	58,020.62	
1820	58,439.36	
1821	67,429.60	
1822	68,013.60	
1823	72,203.25	
1824	72,190.50	

TABLE III—SCHOOL FUND DIVIDENDS—Concluded

Year	Children	Dividend	Per Capita Dividend
1825	84,976	\$72,229.60	\$0.85
1826	84,851	72,123.55	.85
1827	84,876	72,144.60	.85
1828	85,147	72,374.95	.85
1829	84,889	72,164.15	.85
1830	85,006	76,505.40	.90
1831	85,090	76,851.00	.90
1832	85,095	76,585.50	.90
1833	85,172	80,913.40	.95
1834	83,644	79,461.80	.95
1835	83,799	83,769.01	1.00
1836	83,506	87,733.80	1.05
1837	83,359	95,862.85	1.15
1838	83,122	99,746.40	1.20
1839	83,925	104,906.25	1.25
1840	82,676	103,345.00	1.25
1841	84,148	113,594.80	1.35
1842	83,618	117,065.20	1.40
1843	84,640	118,496.00	1.40
1844	84,084	117,717.60	1.40
1845	84,093	117,730.20	1.40
1846	85,275	119,385.00	1.40
1847	86,697	125,710.65	1.45
1848	86,984	126,126.80	1.45
1849	88,911	133,366.50	1.50
1850	90,700	136,050.00	1.50
1851	92,220	129,108.00	1.40
1852	94,852	132,792.80	1.40
1853	96,382	133,280.90	1.35
1854	98,980	141,295.00	1.40
1855	100,294	129,038.75	1.25
1856	100,820	131,066.00	1.30
1857	100,545	140,763.00	1.40
1858	101,486	142,080.40	1.40
1859	103,103	134,033.90	1.30
1860	105,464	131,825.00	1.35
1861	108,389	124,647.35	1.15
1862	109,042	130,850.40	1.20
1863	110,490	132,589.20	1.20
1864	112,098	134,517.60	1.20
1865	114,825	132,048.75	1.15
1866	118,780	130,658.00	1.10
1867	120,884	132,972.40	1.10
1868	123,650	136,015.00	1.10
1869	124,082	124,082.00	1.00
1870	125,407	125,407.00	1.00
1871	128,468	128,468.00	1.00
1872	131,748	131,748.00	1.00
1873	132,908	132,908.00	1.00
1874	133,528	133,528.00	1.00
1875	134,976	148,473.60	1.10
1876	135,189	135,189.00	1.00
1880	140,235	112,188.00	.80
1882	146,188	87,721.20	.60
1883	149,466	112,096.50	.75

(Barnard, *American Journal of Education*, 6:425. Conn. Rept., 1884, 19-20.)

TABLE IV
TOWN TAX, DISTRICT TAX, AND TOTAL RESOURCES PER CHILD OF SCHOOL AGE

Year	Town Tax	District Tax	Resources per Child
1855	\$70,129.37*	\$18,603.00†	
1856	71,440.66*	50,000.00 (circ.)	\$3.31
1857	71,437.00*	52,637.00	3.31
1858	71,656.00*	74,493.00	3.55
1859	72,342.00*	84,819.00	3.95
1860	72,342.00	87,156.00	3.78
1861	76,422.00	87,281.00	3.27
1862	78,540.00	108,948.00	3.61
1863	75,213.00	96,964.00	3.70
1864	87,704.00	140,414.00	3.64
1865	91,290.31	201,066.38	4.05
1866	98,726.10	317,977.37	4.90
1867	149,680.99	466,931.90	5.04
1868	160,347.35	467,804.77	8.14
1869	415,818.26	491,420.61	8.44
1870	568,887.50	498,846.09	10.23
1871	641,837.76	410,708.11	11.83
1873	642,194.11	485,523.56	11.70
1874	588,873.44	499,555.19	10.95
1875	669,856.88	502,500.80	11.60

*One per cent. tax required by state law.

†In addition there was \$25,884.00 of society tax. Compiled from Conn. Repts., 1868, 1869, 1870. Some corrections were required to reduce the statistics to orderly sequence.

TABLE V
TEACHERS' SALARIES.

Year	Men	Women	Year	Men	Women
1835	\$13.45		1865	\$33.00	\$18.00
1837	14.50	\$5.75	1866	48.08	22.61
1846	15.42	6.86	1867	45.21	23.14
1847	16.00	6.50	1868	52.00	24.91
1855	25.95	16.30	1869	58.74	29.16
1856	28.75	17.25	1870	63.10	31.29
1857	29.00	17.25	1871	66.58	32.69
1858	30.00	16.00	1872	67.01	34.09
1859	30.84	16.66	1873	69.03	36.05
1860	30.05	16.59	1874	71.48	36.67
1861	31.20	17.34	1875	70.05	37.35
1862	32.02	16.14	1876	67.43	37.16
1863	28.12	15.80	1877	64.55	36.20
1864	28.74	16.82	1878	61.03	36.50

(Compiled from Conn. Repts., especially those for 1868, p. 141, and for 1879, p. 22.)

TABLE VI

DISTRICTS, BY COUNTIES, WHICH LEVIED TOWN AND DISTRICT TAX, AND NUMBER WHICH USED RATE-BILLS, 1863-1865. (Conn. Repts., 1863-1865)

County	Total No. of Dist.	Taxes			Rate-Bills		
		1863	1864	1865	1863	1864	1865
Hartford	247	65	46	55	45	59	49
New Haven	206	20	16	23	54	50	40
New London	204	13	23	20	34	46	28
Fairfield	245	13	21	15	91	65	60
Litchfield	287	25	115	13	91	108	48
Windham	167	16	25	17	14	11	17
Middlesex	121	12	13	27	15	21	23
Tolland	124	33	14	11	16	8	31
Totals	1,601	195	273	181	360	368	296

TABLE VII

NUMBER OF TOWNS USING RATE-BILLS, AND NOT USING RATE-BILLS, 1866-1867

County	1866		1867	
	No tuition	Tuition	No tuition	Tuition
Hartford	8	19	3	24
New Haven	3	24	2	25
New London	6	18	3	21
Fairfield	4	19	0	23
Windham	6	10	3	13
Litchfield	3	22	1	24
Middlesex	2	13	1	15
Tolland	5	8	4	9
Totals	38	123	17	134

(Compiled from Conn. Repts., 1866, pp. 132-150, and 1867, Appendix.)

TABLE VIII
REVENUE FROM LOCAL TAXATION AND DISTRICTS LEVYING TAX

Year	Total	Per Scholar	Dist. with Tax
1856	\$121,441.00	\$1.21	
1857	124,074.00	1.22	
1858	146,149.00	1.42	
1859	156,761.00	1.49	
1860	162,500.00	1.50	
1861	163,653.00	1.50	
1862	182,483.00	1.65	
1863	172,177.00	1.54	
1864	228,118.00	1.99	
1865	292,347.00	2.55	
1866	411,703.47	3.50	
1867	616,611.89	5.10	
1868	628,152.12	5.07	
1869	906,738.87	7.14	

(Compiled from Conn. Repts., 1867, p. 26, and various other annual reports.)

TABLE IX
PROPORTION OF PUBLIC FUNDS, AS CONTRASTED WITH LOCAL TAX OR FUND,
USED IN CERTAIN INSTANCES

A. Oxford Society, 1848. (Rept. Conn. Bd. of Ed., 1849, 89)		
State school fund.....	\$592.60	58% from fund.
Town deposit fund.....	245.67	
Local fund income.....	22.94	
Total.....	\$861.21	
Teachers' salaries.....	\$1,167.80	
Amount raised by other means than interest from funds.....	\$306.59	
B. Willimantic Society, 1848. (<i>Ibid.</i> , 111)		
State school fund.....	\$780.00	86% from fund.
Town deposit fund.....	99.80	
"School society".....	24.00	
Total.....	\$903.80	
C. Salisbury Society, 1848. (<i>Ibid.</i> , 129)		
State school fund.....	\$1,186.10	85% from fund.
Town deposit fund.....	158.93	
"School society".....	54.16	
Total.....	\$1,399.19	
"Amount paid out".....	\$1,399.19	
D. Stratford Society, 1855. (Conn. Rept., 1855, Appendix, 97)		
State school fund.....	\$645.40	47% from fund.
Town deposit fund.....	127.72	
Local fund.....	88.00	
Tuition or rate-bills.....	513.51	
Total expenditures.....	\$1,374.63	

E. Seventeen districts in Thompson Society, 1851. (Rept., 1851, 102)

State school fund.....	\$1,790.95	80% from fund.
Town deposit fund.....	267.30	
Local fund.....	42.32	
"District contributions".....	86.40	
Children of school age.....	1,335	
Local support per child.....	\$0.0625	
General fund support.....	\$1.55	
Tuition of thirteen children to private schools.....	\$111.00	

DOCUMENT 1

STATEMENT OF A MEMBER OF THE STATE BOARD OF EDUCATION ABOUT PAUPER SCHOOLS, made about 1867, before the Bridgeport Teachers' Institute and reported in the *Daily Standard*. Cited from that source in the Report of the State Board of Education, by the secretary, 1868, pp. 137-138.

"Our school system, which we have inherited from our fathers, is in danger. That system which opens to all, the rich and the poor, the great advantages of education, some able men among us are seeking to overthrow. These revolutionists say the state has no right to educate any but paupers. All others should be excluded from the public schools. Instead of being common schools, that is open to all, they would have 'pauper school' written over the entrance to the public school. Men are now busy in this state to disseminate these views. Now the state cannot afford to falter in the support of good public schools. The state needs the addition to its value,—to its wealth producing power, which the common school alone can bring. But that is unjust, say these revolutionists. You have no right to tax me to educate my neighbor's children. I reply, it is essential to the interest, the prosperity, the thrift, the virtue and morality of the people, that all be educated. That which lies at the foundation of the state, that which is a vital necessity of the state must be maintained. If I live half a mile beyond the limits of the gas-pipes of the city, shall I refuse to pay my tax because *my* house and street are not lighted by the gas? Shall I pay my part for the lighting the streets and grudge my part for illuminating the mind, to give a good education to the children of all classes? Because I never travel shall I refuse to help build the roads? The state may do that for an individual which cannot be done in another way. If the state can do that which will double its property, it is bound to do it. We are told the rich should withdraw their children from the common schools. Now the public schools are better, as well as far cheaper, than private schools. But the revolutionists say it is dangerous to bring the children of the poor into contact with those of the rich, because poverty and immorality are generally associated. Now I deny this. I affirm that my child is in greater danger of being led into temptation by association with the son of affluence, than of humble labor and poverty. I believe the morals of children are better guarded in public than in private schools. I speak from wide observation as to the influence of the two systems upon the morals of the pupil. For the sake of virtue and good character, I advocate the training of the children of all classes together in the public school."

DOCUMENT 2

PLATFORM ADOPTED BY THE STATE TEACHERS' ASSOCIATION OF CONNECTICUT IN 1868, AT MERIDEN, CONNECTICUT

Foundation laid, 1636. Structure not yet completed, 1867

1. *The State must protect itself against Ignorance.*—"Forasmuch as the good education of children is of singular behoof and benefit to any commonwealth, and whereas many parents and masters are too indulgent and negligent of their

duty in that kind," the Selectmen of the town shall have a *vigilant eye* over their brethren and neighbors, to see that none of them suffer in their families, **THE BARBARISM OF IGNORANCE.** (See the Connecticut Law from 1650 to 1792.) "Intelligence and virtue are the foundations of the republic."

2. *A System of Public Schools Essential.*—The education of the Public cannot be secured without a well organized and well supported system of Public Schools,—private schools, charity schools, parish schools, and endowed schools having been proved by the experience of many lands and many years, unequal by themselves to the task of instructing all the people, and of training them for good institutions and for fraternal life under a Republican Government.

3. *No "Pauper Schools" but "Schools for All."*—The Connecticut system, now in vogue throughout the land, and advocated by many European statesmen, provides "Common Schools" that is "Schools for All," without respect to creeds, classes, or political parties; and insists that when "good enough for the best," these schools are "none too good for the humblest." It knows neither caste nor class, rich nor poor, native-born nor foreign-born, Protestant nor Roman Catholics,—but only the **BOYS AND GIRLS OF CONNECTICUT.**

4. *Property justly taxed for Education.*—The right to tax property for Education has been recognized from the earliest colonial days until now, and it rests upon the same principle as the right to lay taxes for any other public benefit.

5. *High Schools Important.*—A well-arranged system of public schools now requires, as truly as it did in colonial times, that the elementary schools should lead to a higher grade of schools, maintained by districts, towns, counties, or neighborhoods,—so that the door to higher education may be freely open to all who are disposed to enter.

6. *A Normal School Essential.*—Teaching is an art which may be imparted by experienced teachers to beginners. Institutions for training teachers have been found in the most enlightened communities, efficient auxiliaries in the support of a good system of Education. *Our state should provide such training for the teachers in our district schools.*

7. *Union of Small and Feeble Districts Recommended.*—The Town, being the rightful superintendent of the school system of the Town, should avail itself of the 'Enabling Act of 1867', to unite the districts, whenever by so doing the evils of weak and impoverished school districts can be abolished, and the wealth and intelligence of the more favored be brought to bear on the enlightenment of the whole community.

8. *The State Board of Education Recommended.*—The institution by the Legislature of a Board of Education, with a Secretary or Agent, and a public office constantly open, designed to promote the improvement of schools in every portion of the State,—deserves the commendation and support of all friends of Education.

9. *Protection for the Neglected.*—Every effort should be put forth to arouse public opinion to the reformation of vicious and neglected youth, and to the enforcement of laws for preventing truancy and for restricting the improper employment of minors in factory work.

10. *Agitation by Organized Effort Needed.*—These democratic principles having been recently attacked by a few able and persistent enemies of a good system of public schools, the friends of education should arouse and organize, and by means of public meetings, lectures, sermons, discussions, newspaper articles, and all other lawful means of influence, see to it that right principles are understood and advocated in every town, village, and school district of the State; and that **CONNECTICUT BECOMES AGAIN THE BANNER STATE OF POPULAR EDUCATION.**

DOCUMENT 3

RESOLUTIONS ADOPTED BY FRIENDS OF UNIVERSAL EDUCATION IN CONNECTICUT, 1868. (Rept. Conn. Bd. of Ed., 1868, 122)

- Resolved*,—1. That a Committee of thirteen persons, to be known as a "Committee of the Friends of the Public Schools," be designated to represent us, as the advocates of a good system of public instruction, with power to call public meetings, prepare and distribute documents, and in general coöperate with the State Board of Education and the Secretary of the same, in efforts to promote the improvement of Connecticut Common Schools.
2. That an effort be made to raise a sum of money sufficient to defray the expenses of public meetings, and to warrant the publication of educational tracts and hand-bills.
3. That at least one address on Public Schools be given in every village and neighborhood of the State; and that the committee above referred to secure a correspondent in every town, through whom the local arrangements may be made for such addresses.
4. That clergymen, lawyers, teachers, and other public speakers be requested to prepare addresses on special educational themes which may be announced by the agency of this Committee, and repeated in different places.
5. That the conductors of the public press be invited to continue to lend their influence in the promotion of popular education by calling attention to educational news, by discussing educational topics, and by reporting school addresses and conferences.
6. That the improvement of schools should not be mixed up with any partisan or sectarian controversies, and that our hope of progress rests in the enlightenment and arousal of men in all political parties, and in all educational denominations.

DOCUMENT 4

PETITION OF THE HARTFORD MINISTERIAL ASSOCIATION TO THE STATE LEGISLATURE ABOUT SCHOOLS, 1867. (Rept. Conn. Bd. of Ed., 1868, 37-38)

"To the General Assembly of the State of Connecticut:

The undersigned, ministers of Hartford county, represent: We have become deeply impressed by the facts which have recently been brought to our attention in regard to the present condition of the public schools of Connecticut. From the published reports of those who have had the superintendence of these schools during the last few years, and from our own personal observations, we have gathered results which fill us with a profound solicitude, and impel us to come before you as petitioners. We beg leave to offer a single general statement. It appears that very large numbers of children in the State are being suffered to grow up without proper education that the statutes which aim to secure the benefit of public instruction to the poor and neglected, are almost entirely inoperative; that our public schools are losing their hold upon the interest and affections of the people, and are failing of due financial support; that the wealthy are withdrawing their patronage and sympathy; that by consequence of public neglect, the schools throughout the State, with some favored exceptions, are tending to a lower standard, in quality of teachers and in instruction given. We do therefore earnestly petition that our public school system be made the subject of your special consideration; and we offer the three following particulars as embracing the substance of our present memorial:—

1. Believing it to be demanded by the public interest and safety that a suitable education be secured to all the children of the State, we pray you that the defects of the present laws relating to the education of neglected children be remedied.
2. We ask that all taxation for the support of common schools be henceforth on the uniform basis of property, and that the schools be made free.
3. Being assured that the district system has proved most unfortunate to the

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cause of general education, we ask you to foster by every means expedient, the union of districts under town organizations.

Your petitioners believe that no matter of public concern has stronger claims on your attention than this. Free institutions rest upon popular intelligence. Our public school system is the great pledge of civil order and liberty in the future. As we love our State, its democratic forms of law and government, its free religious and social life, we should carefully guard that system of public instruction by which alone these franchises are guaranteed. We feel that all our fellow citizens throughout the State ought to be immediately aroused to the great and pressing importance of this subject, and we hail the growing indications that such an awakening is at hand. We appeal to you as the chosen guardians of the State, to take the lead in the inauguration of measures which shall bring the people to rally anew around our public schools, and which shall secure a public school education, good and free, to every child within our borders."

This was signed by twenty-six ministers.

DOCUMENT 5 ENDOWED FREE SCHOOLS

Address made at the Dedication of the Norwich Free Academy, 1856, by John P. Gulliver.

"The first question was, Are public high schools, supported by taxation, in all respects successful? the second, Would endowed free schools remedy their defects? the third, On what plan should endowed schools be conducted in order to secure success? On these points, either by correspondence or by personal interviews, a large number of the leading educators of the country were consulted. It was ascertained that in all quarters apprehension was beginning to be felt in regard to the working of our higher public schools. The lower schools up to the grade of the grammar school were well sustained. Men were to be found in all our communities who had themselves been educated up to that point, and understood, practically, the importance of such schools, in sufficient numbers to control popular sentiment, and secure for them ample appropriations and steady support. But the studies of the high school, Algebra, Geometry, Chemistry, Natural Philosophy, Ancient History, Latin, Greek, French and German were a perfect 'terra incognita' to the great mass of the people. While the high school was a new thing and while a few enlightened citizens had control of it, in numerous instances it was carried to a high state of perfection. But after a time the burden of taxation would begin to be felt. Men would discuss the high salaries paid to the accomplished teachers, which such schools demand, and would ask 'To what purpose is this waste?' Demagogues, keen-scented as wolves, would snuff the prey. 'What do we want of a high school to teach rich men's children', they would shout. 'It is a shame to tax the poor man to pay a man \$1,800 to teach children to make X's and pot-hooks and gabble parlez-vous's'. The work would go bravely on, and on election day, amid great excitement, a new school committee would be chosen, in favor of retrenchment and popular rights. In a single day the fruits of years of labor would be destroyed. Such occurrences, it was ascertained, had already become sufficiently numerous to excite alarm among the most intelligent friends of education. Even in communities where the high school had been uniformly prosperous, it appeared that the same influence was at work and awakened constant apprehension. The proposal to establish an endowed high school was regarded with great favor, and a uniform opinion was expressed that, properly managed, it would supply all defects in the public high school. Indeed the plan, though generally regarded as impracticable, was hailed with enthusiasm, as at least a theoretical solution of a very perplexing problem. The next point was to ascertain the principles which should form the basis of such an enterprise. The Putnam School, at Newburyport seemed to furnish the best model for imitation. This school had received an endow-

ment of \$50,000.00 from Oliver Putnam of Newbury, and was then in successful operation. One unfortunate error had, however, been committed by its founders, in assigning the election of the trustees to the town. A noted political leader, taking advantage of this circumstance, persuaded the people that Mr. Putnam's design in founding the school was not so much to raise the standard of education, as to relieve the burden of taxation, and proposed that the school should be made a substitute for one of the public schools of the town. Another salutary caution was given by the experience of the endowed school at Colchester. The funds there are under the control of a self-perpetuating board of trustees. But the school embraces all departments of instruction from the infant school upward. Then it becomes a rival of the common schools and depresses rather than elevates them." (Quoted in Brown, *Middle Schools*, 316, from *Norwich Courier*, Nov. 25, 1856)

DOCUMENT 6

RATE-BILLS AND FREE SCHOOLS, Barnard and Boutwell, before the American Institute of Instruction, 1856, at Springfield (Mass.).

In speaking of school support, Barnard said:

"I am aware I am uttering a heresy here, but I do not believe that the entire expense of the public schools should rest upon the entire community. I will go as far as the farthest to advocate the most liberal expense to support public schools; but I would always recognize that the duty of educating the child rests primarily with the parent and that all modes of regulating the expense of the school should be such as to recognize that duty on the part of the parent. I go upon the idea which was original in Massachusetts and Connecticut that half the expense should rest upon the public, and half upon the parent. There is no time to enter upon a comparison between communities which have started upon different theories. I know that the experiment of universal education can succeed where a portion of that expense rests upon the parent. The best education in Europe will be found to exist where the parents contribute to the support of schools. *I believe it is a great mistake among the friends of education in order to make education universal you must make schools free.* I believe there is an error in reference to the word 'free' as originally applied to schools in Massachusetts and Connecticut. The word 'free' so far as I have found from an investigation of the school laws of Connecticut, and I believe of this state, means a liberal school, not free to all parents, but one in which the education was liberal. The original free schools in Charlestown, Salem, and Boston had reference to the Free Grammar Schools in England. One of the first free grammar schools, taught by Ezekiel Cheever, was not free in reference to tuition. We find he brings a bill against Mr. Trowbridge for the tuition of his child. I have looked over the history of free schools as given by Carlyle and Ackerman, and I find they are almost all endowed schools. If you look into the free schools of this country you find that endowments were made for their support, and that individuals were authorized to give and receive money to support the schools, following out the idea as it existed in England. Undoubtedly they passed off that platform and placed the support of the schools upon property taxation; but it was not until a late period when the entire expense was borne by the town. This very practice of boarding round was one in which the people contributed to the expense of supporting the school. . . . If every parent was obliged to pay in advance a small sum for the tuition of his child—and I would have it so small that he who could but buy a book could pay it—it would do away with a large amount of the non-attendance at school, because those parents who had paid would feel that in the absence of their children they would lose something that had been paid in."

"There is a class of small reformatory schools to which aid should be given. . . . Mr. Boutwell.—I would ask whether you would require the parents of the pupils in these reform schools, not yet guilty of crime, to contribute to their support?

Mr. Barnard.—Certainly.

Mr. Boutwell.—On what principle should the public take care of the elementary school and not of those schools where it may be doubtful whether the children are exposed or not?

Mr. Barnard.—I say the parent should pay, and not only that, but if he has a son in the State Prison he should pay for the support of his child there. I hold to parental duty, and that the public must also, in self-preservation, come in to support primary schools, reform schools and prisons. I do not say there are not reasons enough for making the schools free; *but the objection with me is that the necessity of looking after the education of the children is one means of keeping the interest of the parent alive.*"

Boutwell argued against Barnard's stand, as follows: (1) The system might work well in some places in Europe, but could not be accepted here. (2) What will be done if responsibility is divided between parent and State, and parent will not act? (3) Mr. Barnard's doctrine will produce two classes of persons: (1) those who pay small tuition and whose children attend school; (2) those unable to pay tuition and whose children will not attend school.

Other points at issue were mentioned but none so important as those above. (*Am. Jour. Education and Coll. Review*, II: 263-273)

DOCUMENT 7

JOHN D. PHILBRICK ON RATE-BILLS, 1855

"In section 63 of the Act concerning Education, it is provided that whenever the expense of keeping a common school . . . shall exceed the amount of all moneys provided to defray the expenses of such school, the committee may examine, adjust, and allow all bills of expense incurred for the support of said school, and assess the same upon the parents, guardians and masters of such children as attended the same, *according to the number and time sent by each.*" I cannot but regard this as the most objectionable feature in our school law. I am convinced that the rate-bill system operates most unfavorably upon the interests of our schools. This law makes the amount to be paid for each child depend upon the number of days he attends school. Consequently every day a child is kept out of school there is so much less to pay. Upon the children of the poor and the penurious, this arrangement operates directly as a premium upon non-attendance. When it is apprehended that the rate-bill will be high, in consequence of employing a teacher of higher qualifications, or of keeping the school open for a longer time than usual, many cannot or will not send at all, then the burden must fall still more heavily upon those who do send and with them the inducement to keep their children out a part of the time is proportionately increased. The following cases which came to my knowledge, may serve to illustrate the working of the law. A poor widow living near one of the best schools in the State, has several children, and being unable to keep them all in school at the same time for want of means to pay the rate-bill, she is compelled to resort to the expedient of sending one at a time. In another village, where an excellent graded school has been established, a bright boy was found spending his time in the streets. When asked the cause of his wasting his time in idleness, he replied with eyes filled with tears, "I wish to go to school, but cannot because my father is too poor to pay the rate-bill". I have been informed that in those districts where the rate-bill has been abolished, a marked improvement in the attendance has been the result, especially among the children of foreign parentage, the very class which ought to be brought into our public schools. . . ." Mr. Philbrick then quotes at length from the Report of Mr. Barnard, in 1839, on this matter. He then says "It is now sixteen years since the disastrous operation of this law was truthfully portrayed." He says nothing, however, about Mr. Barnard's change of heart over rate-bills. (Conn. Rept., 1855, 19-22)

In a circular on school finances, sent to the school visitors (1855), Mr. Philbrick spoke in no uncertain terms, as follows:

"The rate-bill levied on parents in proportion to the attendance of their children, operates in many cases very unfavorably on the interests of our schools. But no district is compelled to resort to this method of raising the means of continuing their school after the public money is expended. A property tax may be substituted by a vote of a majority of the legal voters which has already been done in several of the districts where some of the best schools are now in operation.

"The Act of the last session making it a duty of towns to raise a one per cent tax for support of schools, partially restores the most important and vital element of our school system which was unwisely abolished 34 years ago. The voluntary system has been tried for a period of a whole generation and it has proved an utter failure. . . . Let the fundamental principle . . . that the property of the State should be held subject to taxation for education of all the children of the state, be adhered to and acted upon". (Conn. Rept., 1855, 130-131)

DOCUMENT 8

SUPERINTENDENT CAMP ON TAXES, RATE-BILLS AND FREE SCHOOLS

Mr. D. N. Camp became superintendent in 1857. In his report for 1858, he discusses the question of taxes, rate-bills and free schools. His own words show best his arguments:

"The number of districts which raise by a tax on polls, real estate, and other ratable property, a sum sufficient to meet all deficiencies over and above the state appropriations, is annually increasing. The schools of several cities and manufacturing villages have been free for some years. These schools have been in session a longer time, and have been under the charge of better teachers, in similar situations. There being no rate-bills to collect, no parent has kept his children out of school from inability to pay a bill for tuition. Within the past year several agricultural districts have taxed themselves sufficiently to make their schools free. In these places there seems to be a strong desire of securing thoroughly qualified teachers, and a willingness to provide all that is necessary for a good school.

"School visitors and friends of education in different parts of the state have expressed a desire, that the general assembly should be requested to make it obligatory on all districts of the state to raise by taxation a sum sufficient with the state and town appropriations, to secure a good school for at least nine months in the year. I am not prepared to recommend this measure. While its adoption would contribute to the improvement of schools in proportion as they should be kept for a longer time by better qualified teachers, it is questionable whether it would receive that cordial cooperation from all classes which is so important in sustaining good public schools."

The opposition to a property tax for the support of schools comes principally from two classes; first men of wealth who have no children to attend school, and who seem to suppose that they have no personal interest in the education of the children of others; second, a class found in many communities who are themselves ignorant of the condition of schools and of the necessity of abundant means of their support. These two classes by combination often prevent any adequate measures for the improvement of common schools. The present law limits the rate of tuition to \$1.00 per term of 12 weeks in all schools not graded, and to two dollars for the same time in higher departments of graded schools. All expenses, over and above the money received from town and State appropriations and this rate of tuition, are now unprovided for by law, except by a tax "on the real estate, poll, and other ratable estate of the district".

"Towns and districts are now authorized by law to levy taxes for the support of the common schools without establishing any rate of tuition, so that every common school in the state can now be free, if the voters of the town and district so decide. . . . It is . . . believed that if the law is permitted to remain as it is, and facts in relation to schools and education are

brought before the different communities of the State, a change will gradually be made, and the support of schools will be provided for, in part at least, by a tax on property." (Conn. Rept., 1858, 11-13)

DOCUMENT 9

SECRETARY NORTHRUP ON RATE-BILLS AND FREE SCHOOLS, 1868

"The greatest hindrance to the improvement of our schools is the Rate-Bill. It is wrong in principle and mischievous in practice. It is alike the duty and the interest of the State to furnish substantially equal common school privileges to the children of all classes. Self-protection is the right and duty of the government. For this purpose it may maintain armies and navies. But cheaper, safer, every way better than forts and fleets, indispensable as they may be, better for its peace and security, its prosperity and protection, is universal education.

"The bill in favor of Free Schools, unanimously reported by the Joint Committee on Education last year, was referred to the present General Assembly, and ordered to be printed with the law. This has led to inquiry and discussion, and brought the subject prominently before the people. There has been a most encouraging advance in public sentiment during the last year. More children in Connecticut enjoyed the advantages of free schools during the last winter than ever before. The change is remarkable and encouraging as the facts will show.

"In 1852 there were reported but 3 school societies and 17 districts, which raised any money for schools by a tax on property, the whole sum thus raised at that time did not exceed \$10,000. But this has now risen to \$616,612.89, the increase for the last year being over \$200,000.

"The Reports of my predecessors, and of school visitors coincide in the statement, that the rate-bill is a most prolific source of alienation, strife and litigation. It often breaks up small districts into factions, where the feud grows hot in proportion to the fewness of the contestants and the insignificance of the matter in dispute. Such neighborhood strifes are rancorous and mischievous. The public school, as a common interest, instead of alienating, should tend to fraternize people, and make the most polyglot village, one community, one in interest and sympathy, united in all wise and liberal measures for the support and improvement of common schools. A system which so often prevents harmony, and tends to endless and fruitless feuds and controversies, cannot be wise. No rate-bill is legal, unless voted at a district meeting called for that purpose, and held before, or during the school year, or within three weeks of the close of the year for which the tax is laid. How sure is this law to breed trouble, recent facts show.

"In a certain district, one now refuses to pay his rate-bill because the district meeting was not legally called. In another, the tuition bill is refused payment, because the district meeting was not held till more than three weeks after the close of the term. In another, payment is refused because the committee made out a bill without authority from the district, and the time has expired in which the district can legally act upon that question. There are not a few districts in which school bills are still made out upon the average daily attendance though for 12 years this has been illegal. I have examined the rate-bills for a school just closed, where deductions were made for every day's absence. In one district three-fourths of the rate-bills for the last term have been settled without dispute. The payment of the rest is refused, because the bills, calculated upon this plan, are made out illegally. Hence, has begun a needless controversy, which may long prevent the harmony and co-operation essential to the success of the school. I give one more illustration, out of many, of the effects of this common but illegal practice, from the Acting Visitor in _____.

"Cases of this kind occur; a school begins prosperously, but some family imagines that the tuition bills will be high, or takes offense, and removes several children from the school. Other families are alarmed and there is a

panic at once. They see that they are likely to be burdened, and withdraw their children, and the school is substantially and perhaps literally broken up'.

"As every day's absence lessens the tuition fee, a premium is offered on irregularity. When, by reason of paying higher wages to a superior teacher or the extension of the term, the expense is increased, many withdraw their children, and the cost becomes burdensome to the few who remain. . . . The objection 'I have no children to be educated; let those who have, pay the cost of their schooling' is founded on a false theory. The truth is, we belong to the State as children belong to their parents, and the State has, for its defense, a right to us; a right to lay its equal and needful claim on our property, our time, our service, and if need be our life. . . . While this claim of the State upon us is now more than ever the admitted doctrine of the American people, and is the only ground on which the conscription and the national tax for a righteous war can be defended, the correlative truth, that the State has duties as well as rights and claims, and that foremost among them is the duty of securing a good common education to the children of all classes, is the growing conviction of the masses.

"Said a poor widow to me, 'I have just paid a rate-bill of \$11.85, for my little girl the last year'. 'The law permits but \$6.00 a year for each child', I replied. 'Yes—the tuition was \$5.85, and the \$6.00 was for board of the teacher, boarding round, as I have no home. Though I can scarcely support myself and child by work as a seamstress, I will pinch and toil, and wear my nails off, rather than not give that child an education—but indeed it is hard.' She felt and I felt that it was worse than hard—it was *wrong*. I have just learned that the present term of the center school in _____ opens without that little girl of nine years of age. On inquiry as to the reason of her absence, tears told better than words the sad story of stern necessity—the hard struggle of that mother on the question 'schooling or bread', 'rate-bill or boardbill'. The ratebill keeps hundreds and thousands of children out of school. If this legislature should open every school in Connecticut free, I am confident that the Report of the Board for the next year after such a law has gone into operation would show literally thousands more in attendance."

"It is said, ample provision is already made for the poor, as their bills may be abated. True, if they are willing to stand in the attitude of town paupers. Ought the honest laborer to be thus humiliated? His pride and self-respect revolts at seeing his name recorded among the town indigents. That it is regarded as degrading, I have the fullest means of knowing. Said a carpenter in _____, 'I have five children who ought to all be at school, and would be, but for the rate-bill, which, at present high prices for everything, I can't pay. So far, I have always supported my family, and so long as I can work, I won't beg for board or schooling'. Shall not such self-reliance and independence be encouraged? Shall the distinctions of rich and poor be kept up in the school room? Shall the sons of penury be sent to a poorer seat in the schoolhouse, with the hard and humiliating taunt 'your father don't pay anything for you'. Does this poor, discouraged boy, though a better scholar than his paying schoolmate, deserve to be told 'that is good enough for you'? The theory of pauper schools is not new. In the States of Virginia and South Carolina, long ago, a school system was established for the indigent *only*, and 'the pride and self-respect of the really poor revolted against such a discrimination. The schools were comparatively worthless, were unattended and the system failed', as it surely would if revived in Connecticut. My work leads me to mingle with the masses, and increasing familiarity enhances my appreciation of the sterling common sense, the sound judgment and honesty of the common people, the industrious classes. I find among them manifold signs of an advancing public sentiment in behalf of free schools, a growing conviction that general education is the heritage of the people, alike their interest and their right, the source of individual thrift, success and virtue, of public safety and permanent prosperity. Mechanics and laborers now understand that the wealth of the State consists in its men, in its treasures of mind. True men are worth more than money. . . . Connecticut cannot afford to cripple her schools with the rate-bills."

(Conn. Rept., 1868, 38-71)

DOCUMENT 10
FREE EDUCATION AS CHARITY

Stonington (Conn.) Visitor on this conception.

"That the common schools of our State were designed by their founders to be schools where all the children should be generally educated, must be evident to everyone who is acquainted with their history. They were not established for any particular class, but for all, without distinction of sex, or condition, wealth or poverty (?). *They were not designed more for the poor than the rich, for the sons and daughters of patrician families than of plebian.* All such distinctions are not only contrary to the genius of republican institutions, but detrimental to the whole system of common schools. . . . The invidious distinction now attempted to be made,—that the common school is only for *the poor* who are unable to secure knowledge elsewhere,—is slanderous to those principles upon which the whole system of common schools is founded, and should be indignantly repudiated. . . . The poor and ignorant classes are not more dependent on the rich and learned than the rich and learned are upon them, and unless the one can elevate the other, the other will most certainly degrade the one. . . . That caste system of education, which seeks to elevate the few and degrade the many, stands opposed to progress, civilization and Christianity." (Conn. Rept., 1868, Appendix, CIII-CIV)

DOCUMENT 11
SECRETARY NORTHCROFT ON CHARITY IN EDUCATION

"Much has been said in Connecticut during the last year in favor of maintaining public schools exclusively for the poor. There is little danger that our legislation will favor those distinctions of caste and aristocracy which have long been the bane of English society. This caste system has been tried on a wide scale and under varying circumstances, and the results nowhere recommend it. Pennsylvania thoroughly tried 'pauper schools'. The result was poor houses, poorer teachers, and poorest schools. To attend them was a disgrace. Even the poor washerwoman scorned to send her children to the pauper school, proudly saying 'I haven't come to that—indeed I haven't'. Virginia tried the plan of pauper schools, and therefore never had a general operative public school system. Her farseeing statesman, Thomas Jefferson, prepared with his own hand a bill for a free school system, of which he said: 'One provision of the school bill for all children generally, rich or poor, was that the *expenses* of these schools should be borne by the inhabitants of the County, in proportion to their general tax rates'. How different would have been the history of the Old Dominion had she heeded his counsel. But the long trial of pauper schools has, in the end, made poor indeed, that State, so rich in natural resources.

"Instead of Jefferson's bill for free schools, quite another sentiment became popular, as thus expressed in a leading Virginia paper: 'We have got to hating everything with the prefix *free*, from free negroes down and up through the whole catalogue, free farms, free labor, free society, free will, free thinking, free children and free schools,—all belonging to the same damnable brood of sins. But the worst of all these abominations is the modern system of free schools. The New England system of free schools has been the cause and prolific source of the infidelities and treasons that have turned her cities into Sodoms and Gomorrahs and her land into the common nesting places of howling Bedlamites. We abominate the system because the schools are free'.

"South Carolina adopted pauper schools, and of their results Gov. Hammond, in 1843, spoke thus: 'Our free school system has failed. It does not suit our people or our government. The paupers for whose children it is intended but slightly appreciate the advantages of education; their pride revolts at the idea of sending their children to school as poor scholars, and besides, they need them at home to work'. Just before the war, South Carolina had learned the folly of schools for the poor alone, and was inaugurating a system of free schools for all classes of her white population." (Conn. Rept., 1868, 135-138)

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MICHIGAN

TABLE I

Year	Amount Paid Teachers	Amount of Rate-Bills	Rate-Bills in Per Cent of Total Salaries	Gain or Loss in Rate-Bills	Districts	Free Districts
1846		\$26,558.71				
1847		30,877.37				
1848		30,402.06				
1849	\$50,312.36	29,717.88	59.6			
1850	80,000.00	32,318.75	40.4	\$2,600.87	3,097	
1851		69,088.37		36,766.62	3,307	
1852	125,063.62	37,833.36	32.5			
1853		44,099.58				
1854		63,763.43				
1855	295,231.20	83,932.84	28.4			
1856	353,077.76	100,009.49	28.3	10,076.65	3,525	
1857	423,129.22	121,651.14	28.7	21,641.49	3,748	
1858	442,227.37	118,099.37	26.7	3,551.77L	3,946	
1859	435,321.27	104,689.20	24.1	13,230.17L	3,968	
1860	467,288.50	67,484.50	14.4	37,394.00L	4,087	
1861	500,053.66	56,460.20	11.2	10,915.21L	4,203	2,199
1862	491,202.57	43,202.76	8.7	13,266.53L	4,268	2,364
1863	518,062.57	41,200.54	7.8	2,002.22L	4,375	2,635
1864	579,108.60	50,080.16	8.6	8,879.62	4,426	2,662
1865	695,028.65	90,232.70	12.9	40,182.54	4,474	
1866	791,756.89	103,151.07	13.2	12,918.37	4,625	
1867	908,289.50	107,170.91	11.7	4,019.84	4,744	
1868	1,026,019.94	110,886.26	10.8	3,715.35	4,855	
1869	1,159,460.86	94,752.55	8.1	16,133.71L	5,052	

NOTE.—Data compiled from various Michigan reports. L signifies loss, or decrease in rate-bills.

TABLE II
POPULATION AND SOCIAL STATISTICS

Year	Totals	Whites	Slaves	Free Colored	Aliens
1810	4,762	4,168	24	120	
1820	8,896	8,591		305	
1830	31,639	31,346	32	261	
1840	212,267				
1850	397,654			2,583	
1853*	509,374			3,336	
1860	749,113				
1870	1,184,059				

*Data from state census for this year.

ILLITERACY—PERSONS TWENTY YEARS OF AGE OR OLDER

Year	Native	Alien	White	Colored
1840			2,173	122
1850	5,272	3,009	7,912	369
1860	8,170	10,315	17,441	1,044

VOCATIONS OF INHABITANTS OF MICHIGAN

Year	All Vocations	Agricultural	Manufacturing
1840		56,521	6,890
1850		79,452	
1853*	108,978		5,768
1860	236,987	124,541	22,827

*Data from state census.

NATIVITY FOR POPULATION OF MICHIGAN FOR YEAR OF 1850

Me. 1,117	N. Y. 133,758	N. and S. C. 393	Mich. 140,648
N. H. 2,744	N. J. 5,572	Ky. 402	
Vt. 11,113	Penn. 9,542	Ohio 14,677	
Mass. 8,167	Dela. 368	Ind. 2,003	
R. I. 1,031	Md. 537	Ill. 496	
Conn. 6,751	Va. 1,504	Wis. 332	44

NATIVITY OF POPULATION OF MICHIGAN FOR YEAR OF 1860

Me. 2,214	R. I. 1,122	N. Y. 191,123	Ky. 1,054
N. H. 3,482	Conn. 7,636	Dela. 515	Ohio 34,235
Vt. 13,779	N. J. 7,531	Md. 710	Ind. 4,482
Mass. 9,873	Penn. 17,460	Va. 2,176	Ill. 2,167
Wis. 1,908			

Foreign, 149,092; Michigan, 294,828; United States, 600,021

TABLE III
ITEMS OF SCHOOL SUPPORT

Year	District Tax	Township Tax	Total School Support
1840	\$59,120		\$78,338
1841	54,640		65,430
1842	58,259		74,869
1843	44,705	8,120	65,695
1844	56,021	2,084	56,182
1845	56,931	5,521	57,680
1846	92,854	6,579	154,924
1847	94,495	7,388	158,151
1848	103,852	15,020	185,172
1849	124,890	17,830	213,744
1850	128,189	17,957	217,206
1851	130,196	17,140	269,265
1852	114,075	30,009	287,551
1853	129,476	48,672	297,512
1854	156,916	67,179	386,506
1855	232,134	83,961	499,967
1856	240,803	91,780	447,905
1857	304,572	102,519	536,071
1858	316,580	116,362	551,042
1859	246,247	129,524	599,819
1860	292,924	262,130	659,949
1861	329,463	267,813	754,710
1862	245,813	248,934	745,253
1863	233,125	265,656	827,825
1864	364,246	250,380	955,077
1865	473,908	281,770	1,237,514
1866	634,088	288,820	1,573,354
1867	874,304	289,976	1,985,411
1868	1,070,561	309,219	2,478,532
1869	1,308,618	323,246	2,759,096
1870	1,742,578	405,111	3,271,299
1871	1,749,407	409,541	3,330,972
1872	1,977,759	421,971	3,650,058
1873	2,095,220	465,912	3,729,648
1874	2,393,604	466,085	4,094,775

(Compiled from Michigan School Reports, mainly from the Report for 1880 and from Smith's *Education in Michigan*.)

TABLE IV
TEACHERS' SALARIES FOR YEARS REPORTED (PER MONTH)

Year	Men	Women	Year	Men	Women
1845	\$11.98	\$5.24	1867	\$44.03	\$19.48
1846	12.71	5.36	1868	47.78	21.92
1847	12.87	5.74	1869	47.71	24.55
1848	13.71	5.97	1870	52.62	27.31
1849	14.14	6.46	1871	49.92	27.71
1853	28.17	12.44	1872	49.11	26.72
1864	34.00	16.63	1873	51.94	27.13
1865	41.77	17.54	1874	52.45	27.01
1866	43.53	18.44			

(Compiled from Michigan School Reports, mainly from the Report for 1880.)

TABLE V
INCOME FROM THE PUBLIC SCHOOL FUNDS OF MICHIGAN
(Smith, *Education in Michigan*, p. 20)

Year	Rate per Child	Total	Year	Rate per Child	Total
1839		\$20,248.96	1860	.46	\$108,823.62
1840		19,217.68	1861	.46	103,457.31
1841		10,789.36	1862	.50	126,464.16
1842	.32	15,489.92	1863	.60	130,978.50
1843	.37	19,292.17	1864	.60	136,362.00
1844	.42	28,076.06	1865	.48	134,634.42
1845	.28	22,237.34	1866	.46	136,550.00
1846	.31	27,925.72	1867	.45	143,787.59
1847	.32	31,272.74	1868	.45	151,630.50
1848	.30	32,605.20	1869	.47	165,651.27
1849	.33	39,057.67	1870	.48	179,483.16
1850	.34	42,794.44	1871	.49	186,485.24
1851	.34	46,824.80	1872	.48	186,915.84
1852	.40	57,559.60	1873	.49	196,613.60
1853	.36	54,033.18	1874	.50	208,935.06
1854	.45	72,537.75	1875	.50	217,499.06
1855	.48	83,242.08	1876	.50	223,969.00
1856	.53	99,925.52	1877	.46	211,055.56
1857	.53	107,170.37	1878	.50	234,499.57
1858	.50	107,569.89	1879	.48	227,565.20
1859	.465	105,706.07	1880	.47	226,954.60

Grand total from 1839 to 1880, \$4,681,893.78

TABLE VI

SCHOOL ATTENDANCE IN PUBLIC AND PRIVATE SCHOOLS IN MICHIGAN

Year	Public School	Estimated Private School
1836	2,377	
1837	6,943	
1838	28,764	
1839	44,067	
1840	47,901	
1841	51,254	
1842	56,173	
1843	55,555	
1844	70,277	
1845	75,770	
1846	77,807	
1847	88,080	
1848	98,044	
1849	102,871	
1850	110,478	
1851	115,165	
1852	103,266	
1853	113,792	
1854	129,517	
1855	142,307	
1856	153,116	
1857	162,936	
1858	173,594	
1859	183,759	
1860	193,107	
1861	202,504	
1862	207,332	
1863	216,144	4,708
1864	215,736	4,279
1865	228,629	6,276
1866	246,957	8,320
1867	243,161	10,703
1868	250,966	11,917
1869	269,587	3,807
1870	278,686	9,613
1871	297,466	8,772
1872	303,534	8,189
1873	307,014	6,761
1874	327,506	5,845
1875	343,931	7,934
1876	345,096	8,033
1877	357,139	8,958
1878	359,702	10,634
1879	342,138	18,253
1880	362,196	18,854

(Smith, *Education in Michigan*, p. 31)

DOCUMENT A

MICHIGAN—RATE-BILL DOCUMENTS: TEACHER'S TUITION LIST

Statute: " . . . the teacher shall keep a list of all scholars attending school, the number of days each scholar shall attend the same, with the age of each, and the name of the person liable for the tuition of each, according to his best information and belief, which list he shall return to the director."

Form of List: List containing the names of the children between the ages of four and eighteen years, belonging to district No. of the township of , taken by the director previous to the annual district meeting for the year

Dated, day of , 1850.

A. B. , Director.

Names of children between 4 and 18 years of age.	Time of entrance.	Whole no. of days attend. of each.	Name of person liable for tuition of each scholar.
A. B.	Jan. 1, 1850.	90.	B. H.
C. D.	Jan. 9, 1850.	75.	G. N.
E. F.	Feb. 1, 1850.	45.	F. M.
Name and age of each scholar in attendance, and not in the list furnished by director.			
A. B. 19 yr.	Jan. 2, 1850.	70.	E. F.
X. Y. 15 yr.	Jan. 8, 1850	55.	L. B.

I hereby certify and return the foregoing as a true statement of the facts contained therein, and that to the best of my knowledge and belief, the list of names liable for tuition of each scholar is correct.

John Smith, Teacher.

(Shearman, *Public Instruction and School Law*, 365-366)

DOCUMENT B

RATE-BILL AND WARRANT FOR COLLECTION AS USED IN MICHIGAN

(Gregory, J. M., *School Funds and School Laws of Michigan*, 1859, pp. 290-293. Reference also includes "Form of assessor's sale of property of those who refused to pay rate and assessor's return of warrant.")

Form of Rate-Bill and Warrant.

Rate-Bill containing the name of each person liable for teachers' wages in District No. in the township of , for the term ending on day of , A.D. 18. . . , and the amount for which each person not exempted from the payment thereof is so liable, with the fees of the assessor thereon.

Names of inhabitants sending to school	Whole no. of days sent	Amount of school bill	Assessor's fees thereon	Amount for fuel	Whole amount to be raised
James Emerson	104	\$1.04	.05	*	\$1.09
John L. Barney	416	4.16	.21	\$1.25	5.62
William Jones	313	3.13	.16	*	3.29
Peter Parley	54	.54	.03	*	.57
S. C. Goodrich	104	1.04	.05	.50	1.59
M. Barney	104	1.04	.05	*	1.09
F. Sawyer	416	4.16	.21	*	4.37

* Exemption from fuel bill because fuel was furnished to school.

Warrant.

You are hereby commanded to collect from each of the persons in the annexed rate-bill named, the several sums set opposite their respective names in the last column thereof, and within sixty days after receiving this warrant, to pay over the amount so collected by you (retaining five per cent. for your fees) to the order of the Director of said District, countersigned by the Moderator; and in case any person named therein, shall neglect or refuse, on demand, to pay the amount set opposite his name as aforesaid, you are to collect the same by distress and sale of goods and chattels of such persons wherever found, within the county or counties in which said District is situated, having first published said sale at least ten days, by posting up notices thereof in three public places in the townships where such property shall be sold.

At the expiration of this warrant, you will make a return thereof in writing, with the rate-bill attached, to the Director, stating the amount collected on said rate-bill, the amount uncollected, and the names of the persons from whom collections have not been made.

Given under our hands this day of, in the year of our Lord, one thousand eight hundred and

A. B., Director
C. D., Moderator.

DOCUMENTS C AND D

C.—MICHIGAN—RATE-BILL DOCUMENTS: NOTICE OF ASSESSOR'S SALE OF PROPERTY LEVIED ON FOR COLLECTION OF RATE-BILL

Notice is hereby given, that by virtue of the warrant annexed to a rate-bill for school district No., of the township of, bearing date of the day of, 1850, I have levied on the goods and chattels of, and shall expose the same for sale at public auction at the house of, in the said school district, (or wherever the property may be) in the township of, and county of, on the day of, 1850, at the hour of o'clock, in the forenoon of said day.

Given under my hand and seal at, this day of, 1850.

A..... B.....
Assessor of said District.

(Shearman, *Public Instruction and School Law*, 370)

D.—COLLECTOR'S WARRANT FOR COLLECTION OF RATE-BILL

County of ss.

To collector of the district, in the town of in the county aforesaid, greeting: In the name of the United States of America, you are hereby required and commanded to collect from each of the inhabitants of said district, the several sums of money written opposite the names of each of the said inhabitants, in the annexed tax list, and within days after receiving this warrant, to pay the amount of the money by you collected, into the hands of the trustees of said district, or some one of them, and to take their or his receipt therefor. And if any one or more inhabitant shall neglect or refuse to pay the sums, you are hereby further commanded to levy on the goods and chattels of each delinquent, and make sale thereof, according to law. Given under our hands and seals, this day of 182...

.....
.....
..... Trustees.

(Territorial Laws of Michigan, Vol. II, 472. Pub. 1874)

DOCUMENT E

MICHIGAN—SECTARIAN DEFINITION OF FREE SCHOOLS

Memorial to the Legislature relative to a division of the School Fund

We, the undersigned, citizens of Michigan, respectfully represent to your Honorable Body, that we have labored, and are still laboring under grievances to which neither Justice nor Patriotism require longer submission on our part, without an effort for their removal.

We, your petitioners, wish to represent to your Honorable Body, that notwithstanding the Constitution guarantees liberty of conscience to every citizen of the State, yet our Public School laws, compel us to violate our conscience, or deprive us unjustly of our share of the Public School Funds, and also impose on us taxes for the support of schools, which, as a matter of conscience, we cannot allow our children to attend.

To convince your Honorable Body of the magnitude of these grievances, we have but to refer you to the fact, that in the cities of Monroe and Detroit alone, there are educated at the expense of their parents, and charitable contributions, some 2500 of our children. Your petitioners might bear longer their present grievances, hoping that our fellow-citizens would soon discover the injustice done to us by the present School laws, and that the love of public justice for which they are distinguished, would prompt them to protest against laws which are self-evidently a violation of liberty of conscience, a liberty which is equally dear to every American citizen; but as the new Constitution requires that free schools be established in every district of our State, and as the present Legislature will be called upon to act upon the subject, your petitioners consider that their duty to themselves, their duty to their children, and their duty to their country, the liberties of which they are morally and religiously bound to defend, as well as their duty to their God, require that they apprise your Honorable Body of the oppressive nature of our present School laws, the injustice of which is equalled only by the laws of England, which compel the people of all denominations to support a church, the doctrines of which they do not believe.

Your petitioners would not wish to be understood as being opposed to education; on the contrary they are prepared to bear every reasonable burden your Honorable Body are willing to impose on them, to promote the cause of education, *providing that our schools be free indeed. But they do not consider schools free when the law imposes on parents the necessity of giving their children such an education as their conscience cannot approve of. But that your Honorable*

Body may not be ignorant of what they understand by free schools, your petitioners wish to say that in their opinions, schools can be free only, when the business of school teaching be placed on the same legal footing as the other learned professions, when all may teach who will, their success depending as in other cases, on their fitness for their profession, and the satisfaction that they may render to the public; that in all cases the parent be left free to choose the teacher to whom he will entrust the education of his child, as he is left to choose his physician, his lawyer, etc.; that each person teaching any public school in the State should be entitled to draw from the public school fund, such sums as the law might provide for every child so taught by the month, quarter, or otherwise, on producing such evidence as the law might require in such cases. Schools established on such principles are what your petitioners understand by free schools.

Your petitioners, therefore, respectfully urge that the public school system for our State, be based on these broad democratic principles of equal liberty to all, allowing freedom of conscience to the child, who also has a conscience, as well as to the instructor and parent. And your petitioners will ever pray.

NOTE.—While there are no signatures shown, or the denomination here indicated, the history of the schools of Detroit shows that this petition came from the Catholics of that city. Italics not in original.

(Report of Superintendent of Public Instruction, 1853, 190-191)

DOCUMENT F

COUNTER PETITION OF PROTESTANT EPISCOPAL BISHOP ON DIVISION OF SCHOOL FUNDS

"The undersigned is the Bishop of the Protestant Episcopal Church in the Diocese of Michigan: He has learned from the public newspapers, and from petitions about to be presented to your Honorable bodies, that an application is to be made for a division of the school fund of this State, so that 'in all cases the parent be left free to choose the teacher to whom he will entrust the education of his child.' Such application (if granted) he considers as giving the right not only to parents but to every religious body, to select teachers who will teach the peculiarities of the religious views of opinions they may hold. It will place the school fund of this State in the Hands of religious bodies or sects, and entrust to them the education of the children of the State; for the right, if given to one, will be claimed by each and all. Whatever opinion the writer may entertain in reference to the system and effects of the common school education, he begs leave to say, that he has no wish or desire to interfere with, or in any way alter, or abridge the system which has been the pride of the State, and which has furnished to so many thousands of her children the means of obtaining a high secular education; nor does he wish that the fund so generously granted to the people of the State, and so carefully guarded by her Legislature, and so highly prized by her citizens, should be used for the promotion of sectarian strife and bitterness.

It is one of the distinguishing features of our free institutions, and which lies at the foundation of happiness and freedom of the people, that neither religious tests nor religious preferences form any part of our legislation. All religious bodies are placed in precisely the same footing, and whatever may be the exclusive claims of each and all, they can be settled only by an appeal to a higher and different authority than State legislatures. But if your Honorable bodies see fit to overturn and destroy that system which has been heretofore so carefully guarded, and which has introduced into every occupation and profession, some of the most distinguished men of the State, and which has brought to the door of the poor man the means of educating his children; and if the Priests and Clergymen of every religious body are to take the place of the common school teacher, and the State is to assume the duty, through them, of extending and building up religious differences, and of fomenting strife and contention, then, the undersigned, (most reluctantly) would

claim to have a share in this work. If then such a change is to be made in our common school law, so as to allow parents to choose teachers for their children, the undersigned would respectfully ask for his proportion of the common school fund, so that the people entrusted to his spiritual oversight may employ such teachers as will fully carry out their religious preferences. He would freely and frankly state to your honorable bodies that the amount thus granted, shall be carefully used in teaching the principles and doctrines of the Protestant Episcopal Church, and that the services of as many clergymen and laymen of the Church will be secured and used, so that no other principles and doctrines shall find any place in the different schools."—SAMUEL A. MCCOSKEY, Bishop of the Protestant Episcopal Church in the Diocese of Michigan. Detroit, Jan, 19th, 1853.

(Report on Public Instruction in Michigan, 1853, 205)

The reports of the Legislative Committees on the proposed bill relating to the division of the school fund are found in the same report of the Superintendent of Public Instruction, 1853, as follows:

1. Report of Senate Committee, pp. 191-193;
2. Majority Report of the House Committee, pp. 193-195;
3. Minority Report of the House Committee, 195-200.

DOCUMENT G

DECISION IN KALAMAZOO HIGH SCHOOL CASE, JULY 21, 1874

The bill in this case is filed to restrain the collection of such portion of the school taxes assessed against complainants for the year 1872 as have been voted for the support of the high school in that village and for the payment of the salary of the superintendent. While, nominally, this is the end sought to be attained by the bill, the real purpose of the suit is wider and vastly more comprehensive than this brief statement would indicate, inasmuch as it seeks a judicial determination of the right of school authorities, in what are called union school districts of the State, to levy taxes upon the general public for the support of what are known in this State as high schools, and to make free by such taxation the instruction of children in other languages than English. The bill is, consequently, of no small interest to all the people of the State, and to a large number of very flourishing schools it is of the very highest interest, as their prosperity and usefulness, in a large degree, depend upon the method by which they are supported, so that a blow at this method seems a blow at the schools themselves. The suit, however, is not to be regarded as a blow purposely aimed at the schools. It can never be unimportant to know that taxation for the most useful or indispensable purposes, is warranted by the strict letter of the law; and whoever doubts its being so in any particular case, may be well justified by his doubts in asking a legal investigation, that, if errors or defects in the law are found to exist, there may be a review of the subject in legislation, and the whole matter be settled on legal grounds, in such manner and on such principles as the public will may indicate, and as the legislature may prescribe.

The complainants rely upon two objections to the taxes in question, one of which is general, and the other applies only to the authority or action of this particular district. The general objection has been already indicated; the particular objection is, that, even conceding that other districts in the State may have authority under special charters or laws, or by the adoption of general statutes, to levy taxes for the support of high schools in which foreign and dead languages shall be taught, yet this district has no such power, because the special legislation for its benefit, which was had in 1850, was invalid for want of compliance with the constitution in the forms of enactment, and it has never adopted the general law (Compiled laws, 3742), by taking a vote of the district to establish a union school in accordance with its provisions, though ever since that law was enacted the district has sustained such a school,

and proceeded in its action apparently on the assumption that the statutes in all respects were constitutional enactments, and had been compiled with.

Whether this particular objection would have been worthy of serious consideration had it been made sooner, we must, after this lapse of time, wholly decline to consider. This district existed *de facto*, and we suppose *de jure*, also, for we are not informed to the contrary, when the legislation of 1859 was had, and from that time to the present it has assumed to possess and exercise all the franchises which are now brought in question, and there has since been a steady concurrence of action on the part of its people in the election of officers, in the levy of large taxes, and in the employment of teachers for the support of a high school. The State has acquiesced in this assumption of authority, and it has never, so far as we are advised, been questioned by anyone, until, after thirteen years' user, three individual taxpayers, out of some thousands, in a suit instituted on their own behalf, and to which the public authorities give no countenance, come forward in this collateral manner and ask us to annul the franchises. To require a municipal corporation, after so long an acquiescence, to defend, in a merely private suit, the irregularity not only of its own action, but even of the legislation that permitted such action to be had, could not be justified by the principles of law, much less by those of public policy. We may justly take cognizance in these cases of the notorious fact that municipal action is often exceedingly informal and irregular, when, after all, no wrong or illegality has been intended, and the real purpose of the law has been had in view and been accomplished; so that it may be said the spirit of the law has been kept while the letter has been disregarded. We may also find in the statutes many instances of careless legislation under which municipalities have acted for many years, until important interests have sprung up, which might be crippled or destroyed, if then for the first time matters of form in legislative action were suffered to be questioned. If every municipality must be subject to be called into court at any time to defend its original organization and its franchises at the will of any dissatisfied citizen who may feel disposed to question them, and subject to dissolution, perhaps, or to be crippled in authority and powers if defects appear, however complete and formal may have been the recognition of its rights and privileges, on the part alike of the State and its citizens, it may very justly be said that few of our municipalities can be entirely certain of the ground they stand upon, and that any single person, however honestly inclined, if disposed to be litigious, or over technical and precise, may have it in his power in many cases to cause infinite trouble, embarrassment, and mischief.

It was remarked by Mr. Justice Campbell in *People v. Maynard*, 15 Mich., 470, that "in public affairs where the people have organized themselves under color of law into the ordinary municipal bodies, and have gone on year after year raising taxes, making improvements, and exercising their usual franchises, their rights are properly regarded as dependent quite as much on the acquiescence as on the regularity of their origin, and no *ex post facto* inquiry can be permitted to undo their corporate existence. Whatever may be the rights of individuals before such general acquiescence, the corporate standing of the community can no longer be open to question." To this doctrine were cited *Rumsey v. People* 19 N. Y., 41, and *Lanning v. Carpenter*, 20 N. Y., 447. The cases of *State v. Bunker*, 59 Me., 366; *People v. Salomon*, '81 Ill., 41, and *People v. Lothrop*, 24 Mich., 235, are in the same direction. The legislature has recognized this principle with special reference to school districts, and has not only deemed it important that their power should not be questioned after any considerable lapse of time, but has even established what is in effect a very short act of limitation for the purpose of declaring that "Every school district shall, in all cases, be presumed to have been legally organized, when it shall have exercised the franchises and privileges of a district for the term of two years." (Comp. L., 1871, 3591) This is wise legislation, and short as the period is, we have held that even a less period is sufficient to justify us in refusing to interfere except on the application of the State itself. (*School District v. Joint Board, Etc.*, 27 Mich., 3)

It may be said that this doctrine is not applicable to this case because here the corporate organization is not questioned, but only the authority which the district asserts to establish a high school and levy taxes therefor. But we think, that though the statute may not in terms apply, in principle it is strictly applicable. The district claims and has long exercised powers which take it out of the class of ordinary school districts, and place it in another class altogether, whose organization is greatly different, and whose authority is much greater. So far as the externals of corporate action are concerned, the two classes are quite distinct, and the one subserves purposes of a higher order than the other, and is permitted to levy much greater burdens. It is not very clear that the case is not strictly within the law; for the organization here claimed is that of a union school district and nothing else, and it seems a little less than an absurdity to say it may be presumed from its user (use) of corporate powers to be a school district, but not such a district as the user (use) indicates and as it has for so long a period claimed to be. But however that may be, we are clear that if we might be allowed by the law to listen to the objection after the two years, we cannot, in reason, consent to do so after thirteen. It cannot be permitted that communities can be suffered to be annoyed, embarrassed and unsettled by having agitated in the courts after such a lapse of time questions which every consideration of fairness to the people concerned and of public policy require should be raised and disposed of immediately or never raised at all.

The more general question which the record presents we shall endeavor to state in our own language, but so as to make it stand out distinctly as a naked question of law, disconnected from all considerations of policy or expediency; in which light alone we are at liberty to consider it. It is, as we understand it, that there is no authority in this State to make the high schools free by taxation levied on the people at large. The argument is that while there may be no constitutional provision expressly prohibiting such taxation, the general course of legislation in the State and the general understanding of the people have been such as to require us to regard the instruction in the classics and in living modern languages in these schools as in the nature not of practical and therefore necessary instruction for the benefit of the people at large, but rather accomplishments for the few, to be sought after in the main by those best able to pay for them, and to be paid for by those who seek them, and not by a general tax. And not only has this been the general State policy, but this higher learning of itself, when supplied by the State, is so far a matter of private concern to those who receive it that the courts ought to declare it incompetent to supply it wholly at the public expense. This is in substance, as we understand it, the position of the complainants in this suit.

When this doctrine was broached to us, we must confess to no little surprise that the legislation and policy of our State were appealed to against the right of the State to furnish a liberal education to the youth of the State in schools brought within the reach of all classes. We supposed that it had always been understood in this State that education, not merely in the rudiments, but in an enlarged sense, was regarded as an important practical advantage to be supplied at their option to rich and poor alike, and not as something pertaining merely to culture and accomplishment to be brought as such within the reach of those whose accumulated wealth enabled them to pay for it. As this, however, is not so seriously disputed it may be necessary perhaps to take a brief survey of the legislation and general course, not only of the State, but of the antecedent territory, on the subject.

It is not disputed that the dissemination of knowledge by means of schools has been a prominent object from the first, and we allude to the Ordinance of 1787 on the subject, and to the donation of lands by congress for the purpose, only as preliminary to what we may have to say regarding the action of the territorial authorities in the premises. Those authorities accepted in the most liberal spirit the requirement that "schools and the means of education shall forever be encouraged," and endeavored to make early provision on a scale which shows they were fully up to the most advanced ideas that then pre-

vailed on the subject. The earliest territorial legislation regarding education, though somewhat eccentric in form, was framed in this spirit. It was "An Act to establish the Catholepistemiad, or University of Michigania," adopted August 26, 1817, which not only incorporated the institution named in the title with its president and thirteen professors, appointed by the governor, but it provided that its board of instruction should have power "to regulate all the concerns of the institution, to enact laws for that purpose," "to establish colleges, academies, schools, libraries, museums, atheneums, botanic gardens, laboratories and other useful literary and scientific institutions, consonant to the laws of the United States of America, and of Michigan, and to appoint officers, and instructors, and instructresses, in, among, and throughout the various counties, cities, towns, townships, and other geographical divisions of Michigan." To provide for the expenses thereof the existing public taxes were increased fifteen percent, and from the proceeds of all future taxes, fifteen percent was appropriated for the benefit of this corporation. (Territorial laws, vol. 2, p. 104; Shearman, School laws, p. 4) The act goes but little into details, as was to be expected of a law which proposed to put the whole educational system of the commonwealth into the hands and under the control of a body of learned men, created and made territorial officers for the purpose of planning and carrying it out; but the general purpose was apparent that throughout the territory a system of most liberal education should be supported at the public expense for the benefit of the whole people. The system indicated was prophetic of that which exists today, and is remarkable in this connection mainly, as being the very first law on the subject enacted in the territory, and as announcing a policy regarding liberal instruction which, though impracticable in view of the then limited and scattered population of the territory, has been steadily kept in view from that day to the present.

This act continued in force until 1821, when it was repealed to make way for one "For the Establishment of an University," with more limited powers, and authorized only "to establish colleges, academies, and schools, depending upon the said university," and which, according to the general understanding at the time and afterwards, were to be schools intermediate between the university and such common schools as might exist or be provided for. (Code of 1820, p. 443; code of 1827, p. 445) In 1827 the educational system was supplemented by an "act for the establishment of common schools," which is also worthy of special attention and reflection, as indicating what was understood at that day by the common schools which were proposed to be established.

The first section of that act provided "that every township within this territory, containing fifty families or householders, shall be provided with a good schoolmaster, or schoolmasters, of good morals, to teach children to read and write, and to instruct them in the English or French language, as well as in arithmetic, orthography, and decent behavior, for such term of time as shall be equivalent to six months for one school in each year. And every township containing one hundred families, or householders shall be provided with such schoolmaster, or teacher, for such term of time as shall be equivalent to twelve months for one school in each year. And every township containing one hundred and fifty families, or householders, shall be provided with such schoolmaster, or teacher, for such term of time as shall be equivalent to six months in each year, and shall, in addition thereto, be provided with a schoolmaster, or teacher, as above described, to instruct children in the English language for such term of time as shall be equivalent to twelve months for one school in each year. And every township containing two hundred families, or householders, shall be provided with a grammar schoolmaster, of good morals, *well instructed in the Latin, French, and English languages*, and shall in addition thereto, be provided with a schoolmaster, or teacher, as above described, to instruct children in the English language for such term of time as shall be equivalent to twelve months for each of said schools in each year." And the townships respectively were required under a heavy penalty, to be levied in case of default on the inhabitants generally, to keep and maintain the schools so provided for. (Code of 1827, p. 448; Territorial laws, vol. 2, 472)

Here, then, was a general law, which, under the name of common schools, required not only schools for elementary instruction, but also grammar schools to be maintained. The qualifications required in teachers of grammar schools were such as to leave it open to no doubt that grammar schools in the sense understood in England and in the Eastern states were intended, in which instruction in the classics should be given, as well as in such higher branches of learning as would not usually be taught in the schools of lowest grades. How is it possible, then, to say, as the exigencies of the complainants' case require them to do, that the term common, or primary schools, as made use of in our legislation, has a known and definite meaning which limits it to the ordinary district schools, and that consequently the legislative authority to levy taxes for the primary schools cannot be held to embrace taxation for the schools supported by village and city districts in which a higher grade of learning is imparted.

It is probable that this act, like that of 1817, was found in advance of the demands of the people of the territory, or of their ability to support high schools, and it was repealed in 1833, and another passed which did not expressly require the establishment or support of schools of secondary grade, but which provided only for school directors, who must maintain a district school at least three months in each year. (Code of 1833, p. 129) The act contains no express limitations upon their powers, but it is not important now to consider whether or not they extended to the establishment of grammar schools as district schools, where, in their judgment, they might be required.

Such schools would certainly not be out of harmony with any territorial policy that as yet has been developed or indicated.

Thus stood the law when the Constitution of 1835 was adopted. The article on education in that instrument contained the following provisions:

"2. The Legislature shall encourage by all suitable means the promotion of intellectual, scientifical, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be granted by the United States to this State for the support of schools, which shall hereafter be sold or disposed of, shall be and remain a perpetual fund, the interest of which, together with the rents of all such unsold lands, shall be inviolably appropriated to the support of schools throughout the State.

"3. The Legislature shall provide a system of common schools, by which a school shall be kept up and supported in each school district at least three months in every year; and any school district neglecting to keep up and support such a school may be deprived of its equal proportion of the interest of the public fund."

The fifth section provided for the support of the University, "with such branches as the public convenience may hereafter demand for the promotion of literature, the arts, and sciences," etc. Two things are specially noticeable in these provisions: *First*, that they contemplated provision by the State for a complete system of instruction, beginning with that of the primary schools, and ending with that of the University; *Second*, that while the Legislature was required to make provision for district schools for at least three months in each year, no restriction was imposed upon its power to establish schools intermediate to the common district school and the University, and we find nothing to indicate an interest to limit their discretion as to the class or grade of schools to which the proceeds of the school lands might be devoted, or as to the range of studies or grade of instruction which might be provided for in the district schools.

In the very first executive message after the Constitution went into effect, the Governor, in view of the fact that "our institutions have leveled the artificial distinctions existing in the societies of other countries, and have left open to every one the avenues to distinction and honor," admonished the Legislature that it was their "imperious duty to secure the same to the State by a general diffusion of knowledge," and that "this can in no wise be so certainly effected as by the perfect organization of a uniform and liberal system of common schools." Their "attention was therefore called to the effectuation of a perfect school

system, open to all classes, as the surest basis of public happiness and prosperity." In his second message, he repeated his admonitions, advising that provision be made for ample compensation of teachers, that those of the highest character, both moral and intellectual, might be secured, and urging that the "youth be taught the first principles in morals, in science, and in government, commencing their studies in the primary schools, elevating its grades as you approach the district seminary, and continue its progress till you arrive at the University." This message indicated no plan, but referred the Legislature to the report of the Superintendent, who would recommend a general system.

The system reported by Superintendent Pierce contemplated a university, with branches in different parts of the State as preparatory schools, and district schools. This is the parent of our present system, and though its author did not find the Legislature prepared to accept all his views, the result has demonstrated that he was only a few years in advance of his generation, and that the changes in our school system, which have since been adopted, have been in the direction of the views which he then held and urged upon the public. And an examination of his official reports for 1837 will show that the free schools he then favored were schools which taught something more than the rudiments of a common education; which were to give to the poor the advantages of the rich, and enable both alike to obtain within the State an education broad and liberal, as well as practical.

It would be instructive to make liberal extracts from this report did time and space permit. The superintendent would have teachers thoroughly trained, and he would have the great object of common schools "to furnish good instruction in all the elementary and common branches of knowledge, for all classes of community, *as good indeed for the poorest boy in the State as the rich man can furnish for his children with all his wealth.*" The context shows that he had the systems of Prussia and New England in view, and that he proposed by free school system to fit the children of the poor as well as of the rich for the highest spheres of activity and influence.

It might also be useful in this connection to show that the Prussian system and that "of the Puritans," of which he speaks in such terms of praise, resemble in their main feature, so far as bringing within the reach of all a regular gradation of schools is concerned, the system of public instruction as it prevails in this State today. But it is not necessary for the purposes of the present case to enter upon this subject. It must suffice to say that the law of 1827, which provided for grammar schools as a grade of common schools, was adopted from laws which from a very early period had been in existence in Massachusetts, and which in like manner, under heavy penalties, compelled the support of these grammar schools in every considerable town. (See Mass. Laws, 1789, p. 29; compare general statutes 1860, p. 215, sec. 2)

The system adopted by the Legislature and which embraced a university and branches, and a common or primary school in every school district of the State was put into successful operation, and so continued, with one important exception, until the adoption of the Constitution of 1850. The exception relates to the branches of the University, which the funds of the University did not warrant keeping up, and which were consequently abandoned. Private schools to some extent took their place; but when the convention met to frame a constitution in 1850, there were already in existence in a number of the leading towns, schools belonging to the general public system, which were furnishing instruction which fitted young men for the University.

These schools for the most part had been organized under special laws, which, while leaving the primary school laws in general applicable, gave the districts a larger board of officers and larger powers of taxation for buildings and the payment of teachers. As the establishment and support of such schools were optional with the people, they encountered in some localities considerable opposition, which, however, is believed to have always been overcome, and the authority of the districts to provide instruction in the languages in these union schools was not, so far as we are aware, seriously contested. The superintendent of public instruction devotes a considerable proportion of his annual re-

port for 1848 to these schools, and in that of 1849, he says: "This class of institutions, which may be made to constitute a connecting link between the ordinary common school and the State University, is fast gaining upon the confidence of the public. Those already established have generally surpassed the expectations of their founders. Some of them have already attained a standing rarely equalled by the academical institutions of the older states. Large, commodious, and beautiful edifices have been erected in quite a number of villages for the accommodation of these schools. These schoolhouses frequently occupy the most eligible sites in the villages where they are located. I am happy in being able to state in this connection that the late capitol of our State, having been fitted up at much expense was, in June last, opened as a common schoolhouse; and in that house is maintained a free school which constitutes the pride and ornament of the City of the Straits." This common free school was a union school, equivalent in its instruction to the ordinary high school in most matters, and the report furnishes very clear evidence that the superintendent believed schools of that grade to be entirely competent under the primary school law.

It now becomes important to see whether the Constitutional Convention and the people, in 1850, did anything to undo what previously had been accomplished towards furnishing high schools as a part of the primary school system. The Convention certainly did nothing to that end. On the contrary they demonstrated in the most unmistakeable manner that they cherished no such desire or purpose. The article on Education, as originally reported, while providing for free schools to be kept in each district at least three months in every year, added that the "the English language and no other shall be taught in such schools." Attention was called to this provision, and it was amended so as to read that instruction should be "conducted in the English language." The reason for the change was fully given, that as it was reported it might be understood to prohibit the teaching of other languages than the English in the primary schools a result that was not desired. Judge Whipple stated in the Convention that, in the section from which he came, French and German were taught, and "it is a most valuable improvement of the common school system." The late Superintendent Pierce said that in some schools Latin was taught, and that he himself had taught Latin in a common school. He would not adopt any provision by which any knowledge would be excluded. "All that we ought to do is this: we should say the Legislature shall establish primary schools." This, in his opinion, would give full power, and the details could be left to legislation. (See debates of Convention, 269, 549)

The instrument submitted by the Convention to the people, and adopted by them, provided for the establishment of free schools in every school district for at least three months in each year, and for the University. By the aid of these we have every reason to believe the people expected a complete collegiate education might be obtained. The branches of the University had ceased to exist; the University had no preparatory department, and it must either have been understood that young men were to be prepared for the University in the common schools, or else that they should go abroad for the purpose, or be prepared in private schools. Private schools adapted to the purpose were almost unknown in the State, and comparatively, a very few persons were at that time of sufficient pecuniary ability to educate their children abroad. The inference seems irresistible that the people expected the tendency towards the establishment of high schools in the primary school districts would continue until every locality capable of supporting one was supplied. And this inference is strengthened by the fact that a considerable number of our union schools date their establishment from the year 1850 and the two or three years following.

If these facts do not demonstrate clearly and conclusively a general State policy, beginning in 1817 and continuing until after the adoption of the present Constitution, in the direction of free schools in which education, and at their option the elements of a classical education, might be brought within the reach of all the children of all the State, then, as it seems to us, nothing can

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demonstrate it. We might follow the subject further and show that the subsequent legislation has all concurred with this policy, but it would be a waste of time and labor. We content ourselves with the statement that neither in our State policy, in our Constitution, or in our laws, do we find the primary school districts restricted in the branches of knowledge which their officers may cause to be taught, or the grade of instruction that may be given, if their voters consent in regular form to bear the expense and raise the taxes for the purpose.

Having reached this conclusion, we shall spend no time upon the objection that the district in question had no authority to appoint a superintendent of schools, and that the duties of superintendency should be performed by the district board. We think the power to make the appointment was incident to the full control which by law the board had over the schools of the district, and that the board and the people of the district have been wisely left by the Legislature to follow their own judgment in the premises.

It follows that the decree dismissing the bill was right, and should be affirmed.

The other justices concurred. July 21, 1874. (30 Michigan 69. Smith, 50-55)

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